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WHO: The Office of the Federal Register.

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WHEN: July 23, at 9:00 am
WHERE: Federal Building, 501 Magazine St.
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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 46

[Docket Number FV-91-353]

Rules of Practice Under the Perishable Agricultural Commodities Act, 1930

Procedure in administering complaints alleging violations of the Perishable Agricultural Commodities Act (PACA) (7 U.S.C. 499a *et seq.*) and section 1309 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624) (the 1990 Act) relating to products produced in distinct geographic areas.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule establishes and invites comments on the procedure for initiating complaints alleging violations of the PACA from the sale of perishable agricultural commodities improperly labeled or branded with a unique name or as having come from a distinct geographic area. The complaining party shall pay for the costs of the investigation. Agency officials will provide the complaining party an estimate of the costs of an investigation before a formal investigation commences.

Section 1309 of the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act) makes it a violation of the PACA to use the unique name or geographical designation of a commodity to promote the sale of a similar commodity produced outside the distinct geographic area and provides that the complaining party shall bear the cost of investigating such violations. It is estimated that an average investigation will cost approximately $2,000.

DATES: This interim rule is effective June 11, 1991. Written comments on this rule must be received by July 11, 1991, to be considered prior to any finalization of this interim rule.

ADDRESSES: Written comments should be sent in duplicate to Floyd E. White, Misbranding Officer, PACA Branch, room 2095 So., Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456. Comments should make reference to the date and page numbers of this issue of the **Federal Register**, and will be available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Floyd E. White, (202) 447-5073, Misbranding Officer, PACA Branch, room 2095 So., Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456.

SUPPLEMENTARY INFORMATION:

Background

The interim rule has been determined to be a non-major rule under the criteria contained in Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small business entities and has determined that this interim rule will not have a significant economic impact on a substantial number of small business entities. This rule pertains only to commodities which have a unique name or come from a distinct geographic area and are promoted pursuant to a Federal marketing order under the Agricultural Marketing Service Act of 1937, as amended (7 U.S.C. 601 *et seq.*). This regulation would impact on only a limited number of firms that deal with these unique commodities and the regulation applies equally to both large and small firms. This rule will not alter the market share or competitive position of small businesses relative to large firms.

Section 1309(a) of the 1990 Act refers to any perishable agricultural commodity which is subject to a Federal marketing order, is traditionally identified as being produced in a distinct geographic area, State, or region, and whose unique identity based on its production in a distinct geographic area has been promoted with funds collected from producer contributions pursuant to such marketing order. It is a violation of paragraphs (4) and (5) of section 2 of the PACA for a person to use the unique name or geographic designation of such commodity to promote the sale of a similar commodity produced outside the distinct area, State, or region.

Section 1309(c) of the 1990 Act provides that a person bringing a complaint under this section shall reimburse the Secretary of Agriculture for any and all costs associated with the enforcement of that section. Section 1309(d) specifically prohibits the Secretary from increasing the fees collected under the PACA to offset costs associated with the operation of this section. This rule provides a mechanism whereby funds can be collected in advance of the formal investigation of a complaint to ensure that fees currently collected under the Act will not be used to pay the costs of the investigation.

The interim rule would require that any person complaining that a commission merchant, dealer, or broker, as those terms are defined in the PACA, has used a unique name or distinct geographic area to promote the sale of a perishable agricultural commodity produced outside that area, file a written complaint with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture. The complaint must set forth in detail all the essential particulars of the alleged violation and must be accompanied by a non-refundable $250.00 preliminary investigation fee. Upon receiving a written complaint accompanied by the fee, the Director will order a preliminary investigation of the complaint. If the preliminary investigation discloses no apparent violation, no further action will be taken and the complaining person will be so notified. If, however, as a result of the investigation, the Director finds reasonable cause for further investigation, he shall advise the complaining party of the estimate of the additional costs necessarily incurred by the further investigation, and the complaining person shall tender the requested fees and charges. The estimated fee shall be calculated on the basis of the hourly salary rates of a GS 5, Step 4, for clerical time and GS 13, Step 1, for professional time, plus benefits and other costs. At the

conclusion of the investigation, the Director shall determine whether the evidence supports the filing of a formal administrative complaint alleging a violation of the Perishable Agricultural Commodities Act.

Waiver of Notice of Proposed Rulemaking

Pursuant to 5 U.S.C. 553(b)(3)(B), the Administrator finds that good cause exists for waiving the general notice of proposed rulemaking and for issuing this interim rule. The marketing season for some of the distinct commodities which section 1309 of the 1990 Act was intended to address has commenced. It is, therefore, imperative to have an enforcement mechanism in place as soon as possible. Therefore, pursuant to 5 U.S.C. 553(d)(3), the Administrator finds that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register.

List of Subjects in 7 CFR Part 46

Administrative practices and procedures, Agricultural commodities, Brokers, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 46 is amended as follows:

PART 46—[AMENDED]

1. The authority citation for part 46 continues to read as follows:

Authority: Sec. 15, 46 Stat. 537; 7 U.S.C. 499o.

2. Section 46.48 is added to read as follows:

§ 46.48 Procedure for investigating complaints involving commodities of a unique nature or coming from a distinct geographic area.

(a) *Scope:* This section provides for the payment of fees and the investigation of allegations of misrepresentation or misbranding in which the commodity which is misbranded or misrepresented is purported to be a commodity of a unique name or geographical designation which is defined as:

(1) A perishable agricultural commodity as that term is defined under the Perishable Agricultural Commodities Act, 1930;

(2) Subject to a federal marketing order under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*);

(3) Traditionally identified as being produced in a distinct geographic area, State, or region; and

(4) Of a unique identity, based on such distinct geographic area, which has been promoted with funds collected through producer contributions pursuant to such marketing order.

(b) *Filing complaints:* (1) Any person desiring to complain of a possible violation by any commission merchant, dealer, or broker as a result of misrepresentation or misbranding of any commodity subject to these regulations may file a complaint with the Secretary of Agriculture and request an investigation of the complaint by the Secretary.

(2) Complaints shall be made in writing setting forth all the essential details, including but not limited to:

(i) The name and address of each complaining person;

(ii) The name and address of each person against whom the complaint is made;

(iii) The commodity, approximate quantity of the commodity, and circumstances of alleged misrepresentation or misbranding;

(iv) The current location of the commodity;

(v) If shipped, the shipping and destination points of the commodity;

(vi) A statement of all other known material facts with respect to the complaint; and

(vii) Copies of any documents or evidence of any kind in the possession of the complainant regarding the alleged violation.

(3) The complaint shall be accompanied by a non-refundable $250.00 filing fee made payable to the Agricultural Marketing Service (see "(e) Collection of fees").

(4) The complaint, all supporting evidence, and fee should be mailed to: PACA Branch, room 2095 So., Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090–6456.

(c) *Handling complaints.* (1) Upon receiving a written complaint, supporting evidence, and the $250.00 preliminary investigation fee from a complaining person, the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture shall order a preliminary investigation to determine if the complaint can be substantiated. If the initial investigation discloses no violation of the Act, no further action shall be taken and the complaining person shall be informed of the finding. The $250.00 filing fee shall be considered full payment for the preliminary investigation.

(2) If the Director finds reasonable cause for further investigation, the complaining person shall be duly notified of the findings. Prior to any further investigation, the Director shall advise the complaining person of the estimated fees and charges which the complaining person must pay. In calculating the estimated fees, the Director shall use the hourly salary rate of a GS–5, Step 4, for clerical time and GS–13, Step 1, for professional time, plus benefits and other related expenses including travel asscciated with the investigation.

(3) At the conclusion of the investigation, the Department will inform the complaining person of the results, provided, however, that any findings, the release of which may jeopardize an ongoing formal disciplinary proceeding initiated under the PACA, may be withheld pending completion of the disciplinary case.

(d) *Investigative authority.* Investigation of a complaint of this section shall be deemed to be an investigation under section 6(b) of the Perishable Agricultural Commodities Act (7 U.S.C. 499f(b)).

(e) *Collection of fees.* (1) any person bringing a complaint, alleging a violation of section 1309 of the Food, Agriculture, Conservation, and Trade Act of 1990 shall reimburse the Secretary of Agriculture for any and all costs associated with the enforcement of that section.

(2) A non-refundable $250.00 fee for the preliminary investigation shall accompany the written complaint.

(3) An estimate of fees and charges to conduct the further investigation calculated in accordance with paragraph (c)(2) of this section will be provided the complaining person.

(i) Payment of the fees and charges shall be collected in advance by the Secretary prior to continuation of investigation of a complaint.

(ii) Payment of fees and charges may be made by cash, check, or money order payable to the Agricultural Marketing Service.

(iii) In the event that the estimated fees and charges prove to be inadequate, the complaining person will be informed of the deficiency. Any complaining person that does not reimburse the Secretary full payment for fees and charges associated with a completed investigation shall be liable to be proceeded against in any court of competent jurisdiction in a suit by the United States to collect any monetary or other damages connected with the investigation.

(iv) The complaining person will be reimbursed by the Secretary for any overpayment of fees and charges, except for the $250.00 preliminary investigation fee which is non-refundable.

Dated: June 4, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91–13818 Filed 6–10–91; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1477

Disaster Payment Program for 1989 Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Disaster Assistance Act of 1989 (the 1989 Act) provided assistance to eligible producers for losses of 1989 crop production due to damaging weather or related conditions in 1988 or 1989. The Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act) amended the 1989 Act to expand coverage of the 1989 Act to producers of nonprogram crops which were cropped more than once on the same farm in 1989 if such producers were located in counties declared to be a Presidential disaster area due to Hurricane Hugo. The Dire Emergency Supplemental Appropriations Act for Fiscal Year 1991, Public Law 102–27 (the 1991 Act), provides an appropriation of $1.4 million for such losses. Accordingly, this interim rule amends 7 CFR part 1477 to implement these statutory provisions.

EFFECTIVE DATES: This interim rule shall become effective on June 11, 1991. However, comments received on or before July 11, 1991 will be considered in development of the final rule.

ADDRESSES: Submit comments to: Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Charles M. Cox, Jr., Program Specialist, Cotton, Grain, and Rice Price Support Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC. Telephone: (202) 382–8757.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified as "non major" since the program will not result in: (1) An annual effect on the economy of $100 million, or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or local geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of interim rule making with respect to the subject matter of this rule.

An Environmental Evaluation with respect to the Disaster Payment Program was completed for the 1989 program. It has been determined that this action is not expected to have a significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The titles and numbers of Federal assistance program to which this rule applies are: Title—Cotton—10.502; Feed Grains—10.055; Wheat—10.058; Rice—10.065; as found in the Catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Background

The 1900 Act amended the 1989 Act to provide for disaster payments, subject to congressional action providing for funds in advance by appropriation acts, for 1989 crops that are grown in a county declared to be a Presidential disaster area as a result of Hurricane Hugo. The 1991 Act subsequently enacted provided $1.4 million for such payments. In order to implement these provisions, this interim rule provides that producers who are eligible for such payments must produce nonprogram crops in those counties in South Carolina, North Carolina, Virginia, Puerto Rico, and the United States Virgin Islands declared by the President to be disaster areas as a result of Hurricane Hugo. Furthermore, such producers must have incurred a loss of at least 50 percent in order to receive such payment. All application for payments must be submitted by August 12, 1991. This interim rule also provides that the total payments for all producers is limited to $1.4 million.

List of Subjects in 7 CFR Part 1477

Agricultural commodities, Disaster assistance, Fraud, Grant programs—agriculture, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 1477 is amended as follows:

PART 1477—DISASTER PAYMENT PROGRAM FOR 1989 CROPS

1. The authority citation for 7 CFR part 1477 continues to read as follows:

Authority: 7 U.S.C. 1421 Note; 15 U.S.C. 714b and 714c.

2. Section 1477.1 is revised to read as follows:

§ 1477.1 General statement.

This part sets forth the regulations for the Disaster Payment Program as provided by the Disaster Assistance Act of 1989 as amended by the Food, Agriculture, Conservation and Trade Act of 1990. The purpose of the program is to make disaster payments to eligible producers on a farm who have suffered a loss of production of crops due to damaging weather or related condition in 1988 or 1989.

3. Section 1477.21 is added to read as follows:

§ 1477.21 Disaster Assistance for crops that were effected by Hurricane Hugo.

(a)(1) Notwithstanding any other provision of this part, the term "double-cropped" also includes the cropping of two crops of the same commodity by producers located in the following areas:

(i) South Carolina Counties: Berkeley, Calhoun, Charleston, Chester, Chesterfield, Clarendon, Colletion, Darlington, Dillon, Dorchester, Fairfield, Florence, Georgetown, Horry, Kershaw, Lancaster, Lee, Marion, Marlboro, Orangeburg, Sumter, Richland, Williamsburg, York;

(ii) North Carolina Counties: Alexander, Alleghany, Anson, Ashe, Avery, Brunswick, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Davidson, Davie, Forsyth, Gaston, Guilford, Iredell, Lincoln, Mecklenburg, Montgomery, Richmond, Rowan, Stanly, Stokes, Surry, Union, Watuaga, Wilkes, Yadkin;

(iii) Virginia Counties: Carroll, Floyd, Grayson;

(iv) Puerto Rico: Adjuntas, Agua Buenas, Airbonita, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamon,

Caguas, Camuy, Canovanas, Carolina, Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Florida, Guabo, Guayama, Guaynabo, Hatillo, Humacao, Jayuya, Juncos, Lares, Las Piedras, Loiza, Luquillo, Manati, Maunabo, Morovis, Naguabo, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Rio Grande, Salinas, San Juan, San Loerenzo, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Viegues, Villalba, Yabucoa; and

(v) U.S. Virgin Islands: St. Croix, St. John, St. Thomas.

(2) Producers of nonprogram crops considered double cropped as defined in this section located in areas specified in paragraph (a)(1) of this section who did not previously file for assistance under this part or whose original request was not accepted by CCC must file an application for disaster assistance for this program by August 12, 1991. County Agricultural Stabilization and Conservation committees and the Caribbean Agricultural Stabilization and Conservation Committee may allow up to 15 days after the final enrollment date for producers to submit records of production which are necessary to determine the producer's loss of production.

(b) The total amount of assistance made available under this section shall be $1,400,000. In the event the total of the approved losses determined in accordance with this section exceeds $1,400,000, CCC shall make such payments on a pro rata basis.

Signed at Washington, DC on June 5, 1991.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91-13819 Filed 6-10-91; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-03-AD; Amendment 39-7037; AD 91-13-06]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series, Model DC-9-80 Series, C-9 (Military), and Model MD-88 Airplanes, Equipped With Westinghouse Bus Control Unit, Part Number 947F946-2

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, Model MD-88 airplanes, and C-9 (Military) airplanes, which currently requires the affected airplanes to be operated with an interim electrical operating procedure and restricted operation of the automatic landing system. This amendment requires the installation of an improved Bus Control Unit. This amendment is prompted by reports of loss of generator electrical power and/or electrical power interruption during flight. This condition, if not corrected, could result in partial or total loss of generator electrical power.

EFFECTIVE DATE: July 15, 1991.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B (54-60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Ms. Natalie Phan-Tran, Aerospace Engineer, Systems and Equipment Branch, ANM-133L, FAA Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5343.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by superseding AD 90-03-17, Amendment 39-6496 (55 FR 3047, January 30, 1990), applicable to McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, Model MD-88 airplanes, and C-9 (Military) airplanes, to require the installation of an improved Westinghouse Bus Control Unit (BCU), Part Number 947F946-3, was published in the **Federal Register** on February 25, 1991 (56 FR 7622).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the proposal.

Paragraph C. of the final rule has been revised to specify the current procedures for submitting requests for approval of alternative means of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed with the changes previously described. The FAA has determined that these changes will neither significantly increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,500 Model DC-9 series, Model DC-9-80 series, and Model MD-88 airplanes of the affected design in the worldwide fleet. It is estimated that 741 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. The cost of parts to accomplish the required modification will be paid by Westinghouse. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $81,510.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,

the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–6496 and by adding the following new airworthiness directive.

91–13–06. McDonnell Douglas: Amendment 39–7037. Docket No. 91–NM–03–AD. Supersedes AD 90–03–17.

Applicability: Model DC–9 series, Model DC–9–80 series, C–9 (Military), and Model MD–88 airplanes, equipped with Westinghouse bus control unit (BCU) Part Number 947F946–2, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent the loss of generator electrical power, accomplish the following:

A. Within 30 days after February 15, 1990 (the effective date of AD 90–03–17, Amendment 39–6496), add the following to the LIMITATIONS section of the approved Airplane Flight Manual (AFM). This may be accomplished by inserting a copy of this AD into the AFM.

1. On takeoff with both engine generators and APU generator operating and APU bus switches selected to the ON position, the AC BUS X–TIE switch must be placed in the OPEN position. At or above 10,000 feet MSL with both engine generators operating, the APU may be shut down and the AC BUS X–TIE switch placed in the AUTO position.

Note: In the event of an in-flight failure of an engine generator that results in the APU generator powering an AC bus, de-activate all galley power and place the other APU BUS switch in the ON position.

2. On takeoff with the APU generator inoperative, or an engine generator inoperative, dispatch is permitted in accordance with the present MMEL conditions except that the AC BUS X–TIE switch must be in the OPEN position. Verify that all transformer rectifiers (TR's) are operating and place the DC BUS X–TIE switch in the CLOSE position. Takeoff minimums are restricted to ceiling 1,000 foot and visibility 3 miles. The Captain must make the takeoff with this instrument incandescent flood lights adjusted to a level which would adequately compensate for the subsequent potential loss of his instrument integral lights. At or above 10,000 feet MSL, place the DC BUS X–TIE switch in the OPEN position and the AC BUS X–TIE switch in the AUTO position.

Note: In the event of an in-flight failure of an engine generator following dispatching with the APU generator powering an AC bus, de-activate all galley power and place the other APU BUS switch in the ON position.

3. When operating with the AC BUS X–TIE switch in the AUTO position, if rapid cycling of the AC cross-tie relay occurs, manifested by a buzzing/chattering sound from the electrical power center and any combination of random circuit breaker trips, inappropriate aural warning messages, loss of some flight instruments, and/or flashing cockpit annunciators, place the AC BUS X–TIE switch to the OPEN position. If a generator trips off-line, it may be reset only once. If the engine generator fault cannot be cleared, the APU should be utilized, if available.

4. Prior to the approach with both engine generators operating, start the APU and place both APU BUS switches to the ON position. Place the AC BUS X–TIE switch to the OPEN position after APU electrical power becomes available.

5. Prior to the approach with only two generators operating, place the AC BUS X–TIE switch in the OPEN position. Landing minimums are restricted to Category I and the Captain must make the approach with his instrument incandescent flood lights adjusted to a level which would adequately compensate for the subsequent potential loss of his instrument integral lights.

6. In the event of an in-flight failure that results in an AC bus not powered, place the DC BUS X–TIE switch in the CLOSE position.

7. In the event of an in-flight failure that results in both AC BUSES being powered by only one generator, the landing minimums are restricted to ceiling 1,000 feet and 3 miles visibility. The Captain must make the approach and landing.

8. Autoland is permitted with two engine generators operating and APU generator operating with both APU BUS switches in the ON position and the AC BUS X–TIE switch in the OPEN position. Reconfirm APU generator availability after "AUT LND/AUT LND" is indicated on the Flight Mode Annunciator (FMA). An autoland approach must be discontinued following a failure of an engine generator.

B. Within 2 years after the effective date of this AD, replace the Westinghouse Bus Control Unit, Part Number 947F946–2 with the Westinghouse Bus Control Unit, Part Number 947F946–3, in accordance with McDonnell Douglas DC–9 Service Bulletin 24–119 dated January 24, 1990. The limitations on the electrical operating procedures and restricted operation of the automatic landing system required by paragraph A. of this AD may be removed from the AFM when the modified Westinghouse BCU is installed.

C. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles ACO.

D. Special flight permits may be issued in accordance with FAA 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirement of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Business Unit Manager, Technical Publications, C1–HCW (54–60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment supersedes Amendment 39–6496, AD 90–03–17.

This amendment (39–7037, AD 91–13–06) becomes effective July 15, 1991.

Issued in Renton, Washington, on May 31, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–13790 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084–AA26

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Room Air Conditioners

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission announces that the present ranges of comparability for room air conditioners will remain in effect until new ranges are published.

Under the Appliance Labeling Rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. The Commission publishes the ranges annually in the **Federal Register** if the upper or lower limits of the ranges change by 15% or more from the previously published ranges. If the Commission does not publish revised ranges, it must publish a notice that the prior ranges will be applicable until new ranges are published. The Commission is today announcing that the ranges published on September 22, 1989, for room air conditioners will remain in effect until new ranges are published.

EFFECTIVE DATE: June 11, 1991.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202–326–3035,

Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Commission issued a final rule,[1] pursuant to section 324 of the Energy Policy and Conservation Act of 1975,[2] covering certain appliance categories, including room air conditioners. The rule requires that energy costs and related information be disclosed on labels and in retail sales catalogs for all room air conditioners presently manufactured. Certain point-of-sale promotional materials must disclose the availability of energy usage information. If a room air conditioner is advertised in a catalog from which it may be purchased by cash, charge account or credit terms, then the range of estimated annual energy costs for the product must be included on each page of the catalog that lists the product. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of test procedures developed by the Department of Energy, which are referenced in the rule.

Section 305.8(b) of the rule requires manufacturers to report the energy usage of their models annually by specified dates for each product type.[3] Because the costs for the various types of energy change yearly, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing.

To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually) if an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for room air conditioners have been received and analyzed and it has been determined to retain the ranges that were published on September 22, 1989.[4] In consideration of the foregoing, the present ranges for room air conditioners will remain in effect until the Commission publishes new ranges for these products.

[1] 44 FR 66466, 16 CFR 305.

[2] Public Law 94-163, 89 Stat. 871 (Dec. 22, 1975).

[3] Reports for room air conditioners are due by May 1.

[4] 54 FR 38966.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

The authority citation for part 305 continues to read as follows:

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619) (1978), the National Appliance Energy Conservation Act, (Pub. L. 100-12) (1987), and the National Appliance Energy Conservation Amendments of 1988, (Pub. L. 100-357) (1988), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 91-13816 Filed 6-10-91; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-91-12]

Special Local Regulations: Milwaukee Air and Water Show, Milwaukee Harbor, Milwaukee, WI

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: Special Local Regulations are being adopted for the Milwaukee Air and Water Show. This event will be held in the Milwaukee Harbor on the 21st, 22nd, and 23rd of June 1991 from 10 a.m. (c.d.s.t.) until 7 p.m. (c.d.s.t.), each day. The regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective from 10 a.m. (c.d.s.t.) until 7 p.m. (c.d.s.t.), each day, on the 21st, 22nd, and 23rd of June 1991.

FOR FURTHER INFORMATION CONTACT: Corey A. Bennett, Marine Science Technician First Class, U.S. Coast Guard, Search and Rescue Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199-2060, (216) 522-4420.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received until 21 May 1991, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are Corey A. Bennett, Marine Science Technician First Class, U.S. Coast Guard, project officer, Search and Rescue Branch and M. Eric Reeves, Lieutenant Commander, U.S. Coast Guard, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Milwaukee Air and Water Show will be conducted in the Milwaukee Harbor on the 21st, 22nd, and 23rd of June 1991. This event will have an estimated 65, combined, unlimited hydroplanes and stock outboard tunnel hull boats racing in a two mile oval course in Milwaukee Harbor, which could pose hazards to navigation in the area. Any vessel desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer in Charge, U.S. Coast Guard Station Milwaukee, WI).

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the event. This should have a favorable impact on commercial facilities providing services to the spectators. Any impact on commercial traffic in the area will be negligible.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Temporary Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 100 continues to read as follows:

PART 100—[AMENDED]

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended to add a temporary § 100.35–T0912 to read as follows:

§ 100.35–T0912 Milwaukee Air and Water Show, Milwaukee Harbor, Milwaukee, WI.

(a) *Regulated area:* That portion of Lake Michigan-Milwaukee Harbor bounded by the shore and lines between the following points: starting from shore at position 43 degrees 02 minutes 04 seconds North, 087 degrees 53 minutes 43 seconds West, then east to the outer breakwall at position 43 degrees 02 minutes 04 seconds North, 087 degrees 52 minutes 58 seconds West, thence north along the outer breakwall to position 43 degrees 02 minutes 29 seconds North, 087 degrees 52 minutes 52 seconds West, then northwest to shore at position 43 degrees 02 minutes 41 seconds North, 087 degrees 53 minutes 07 seconds West.

(b) *Special Local Regulations:* (1) The above area will be closed to vessel navigation and anchorage, except when expressly authorized by the Coast Guard Patrol Commander, from 10 a.m. (c.d.s.t.) until 7 p.m. (c.d.s.t.), each day, on the 21st, 22nd, and 23rd of June 1991.

(2) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on channel 16 (156.8 MHZ) by the call sign "Coast Guard Patrol Commander". Any vessel, not authorized to participate in the event, desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Transiting vessels will be operated at bare steerageway, and will exercise a high degree of caution in the area.

(3) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regulated area. A succession of sharp, short signals by whistle or horn from vessels partrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Any vessel so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(5) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(6) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

Dated: May 31, 1991.

G.A. Penington,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 91–13806 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD5–91–013]

Drawbridge Operation Regulations—Atlantic Intracoastal Waterway, Albemarle & Chesapeake Canal, Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule with request for comments.

SUMMARY: In order to evaluate changes requested by the motoring public to the drawbridge opening regulations for the Centerville Turnpike Bridge across the Atlantic Intracoastal Waterway, Albemarle & Chesapeake Canal, mile 15.2, in Chesapeake, Virginia, the Coast Guard is issuing a temporary deviation from the regulations for a 60-day period. The flow of vehicular traffic across the bridge and the impact on marine traffic through the bridge during this period will be evaluated to determine whether the current regulations should be amended. The current regulations require that the bridge open on demand at any time. Changes to drawbridge regulations are intended to provide for regularly scheduled drawbridge openings to reduce motor vehicle traffic delays and congestion on the roads and highways linked by the drawbridge while still providing for the reasonable needs of navigation.

DATES: This Temporary Rule is effective from June 1, 1991, through July 31, 1991. Comments must be received on or before July 15, 1991.

ADDRESSES: Comments should be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004. The comments received will be available for inspection and copying at room 507 at the above address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for any recommended changes to the temporary rule. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered, if final action is taken to change the rules. No public hearing will be held for this action.

Drafting Information

The drafters of these regulations are Linda L. Gilliam, project officer, and LT Monica Lombardi, project attorney.

Discussion of Temporary Regulations

These temporary regulations are being issued to evaluate a proposed change to the drawbridge opening regulations for the Centerville Turnpike Bridge across the Albemarle & Chesapeake Canal in Chesapeake, Virginia.

The impact of the proposed change to the regulations on highway and marine traffic during a 60-day period will be evaluated to determine if the changes will result in a substantial improvement in vehicular traffic flow without unreasonably restricting marine traffic.

The current drawbridge regulation for the Centerville Turnpike Bridge requires that it open on demand, 24-hours a day, year round. This temporary 60-day regulation will limit openings of the draw for recreational vessels only, by scheduling openings for such vessels on the hour and half-hour between 7 a.m. and 7 p.m., seven days a week. Commercial vessels will not be affected and may pass on signal at any time.

The Coast Guard believes these temporary regulations will not unduly restrict vessel passage through the bridge, as vessel operators and the marine industry can plan transits to conform with this temporary regulation. Since this temporary rule serves the immediate interests of highway traffic with no expected significant adverse impacts on marine traffic, I find good cause exists for publishing this

temporary rule without publication of a notice of proposed rulemaking and for making it effective in less than 30 days.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the temporary regulation will not raise sufficient federalism implications to warrant preparation of a Federalism Assessment.

Regulatory Evaluation

This temporary regulation is considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this temporary regulation on commercial navigation or on any industries that depend on waterborne transportation should be minimal based on the fact that the bridge will continue to open on demand for commercial traffic. Since the economic impact of this temporary regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

This temporary regulation has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations

In consideration of the foregoing, part 117 of Title 33, Code of Federal Regulations, is temporarily amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); 33 CFR 117.43.

2. Section 117.997(e) is temporarily added to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

* * * * *

(e) The draw of the Centerville Turnpike (SR 170) bridge across the Albemarle and Chesapeake Canal, mile 15.2, at Chesapeake, shall open on signal, except that, from 7:00 a.m. to 7:00 p.m., the draw need be opened only every half-hour, seven days a week, year-round for the passage of pleasure craft. Public vessels of the United States, commercial vessels, and vessels in an emergency condition which endangers life or property shall be passed at any time.

Dated: May 24, 1991.

H.B. Gehring,

Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District Acting.

[FR Doc. 91–13566 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[Regulation 91–09]

Safety Zone Regulations: Louisville, KY

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Ohio River, miles 598.0 to 604.3. The zone is needed to protect all vessels and spectators from a safety hazard associated with a fireworks display sponsored by the Louisville Chamber of Commerce. Vessels will be allowed to transit the zone between miles 598.0 and 603.2 at a no wake speed. Entry into this zone between miles 603.2 and 604.3 is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 9:30 p.m. (EDST) on 04 July 1991. It terminates at 11 p.m. (EDST) on 04 July 1991 unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: CWO R. L. Johnson (502) 582–5194.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication due to the short notice of the incident. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels involved.

Drafting Information

The drafter of this regulation is CWO R. L. Johnson, project officer for the Captain of the Port.

Discussion of Regulation

The event requiring this regulation will begin on 04 July 1991 at 9:30 p.m. EDST and end on 04 July 1991 at 11 p.m. EDST. The fireworks display will take place at mile 603.9 on the Ohio River. The river closure and speed control are needed to protect river traffic, spectators and moored vessels.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures. Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new 165.T2025 is added to read as follows:

§ 165.T2025 Safety Zone: All waters of the Ohio River from Mile 598.0 to 604.3.

(a) *Location.* The following area is a safety zone: All waters of the Ohio River Mile 598.0 to 604.3.

(b) *Effective date.* This regulation becomes effective at 9:30 p.m. e.d.s.t. on 04 July 1991. It terminates at 11 p.m. e.d.s.t. on 04 July 1991, unless sooner terminated by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, vessels transiting the zone between miles 598.0 and 603.2 will proceed at a no wake speed. Entry into this zone between miles 603.2 and 604.3 is prohibited unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio Channel 16 during the event.

Dated: 22 May 1991.

D.W. Cleaveland,

Captain of the Port, Louisville, Kentucky.

[FR Doc. 91–13807 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[Regulation 91–08]

Safety Zone Regulations: Louisville, KY

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Ohio River, mile 738.8 to 739.8. The zone is needed to protect all vessels and spectators from a safety hazard associated with a fireworks display for the Lewisport, KY Heritage Festival. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 9 p.m. (CDST) on 15 June 1991. It terminates at 11 p.m. (CDST) on 15 June 1991 unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: CWO R. L. Johnson (502) 582–5194.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication due to the short notice of the incident. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels involved.

Drafting Information

The drafter of this regulation is CWO R. L. Johnson, project officer for the Captain of the Port.

Discussion of Regulation

The event requiring this regulation will begin on 15 June 1991 at 9 p.m. CDST and end on 15 June 1991 at 11 p.m. CDST. The fireworks display will take place at mile 739.3 on the Ohio River. The river closure is needed to protect river traffic and spectators.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

Lists of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new 165.T2024 is added to read as follows:

§ 165.T2024 Safety Zone: all waters of the Ohio River from Mile 738.8 to 739.8.

(a) *Location.* The following area is a safety zone: All waters of the Ohio River Mile 738.8 to 739.8.

(b) *Effective date.* This regulation becomes effective at 9 p.m. CDST on 15 June 1991. It terminates at 11 p.m. CDST on 15 June 1991, unless sooner terminated by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio Channel 16 during the event.

Dated: May 22, 1991.

D.W. Cleaveland,

Captain of the Port, Louisville, Kentucky.

[FR Doc. 91–13808 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[Regulation 91–12]

Safety Zone Regulations; Louisville, KY

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Ohio River, mile 792.0 to 793.0. The zone is needed to protect all vessels and spectators from a safety hazard associated with a fireworks display sponsored by the Evansville Freedom Festival. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 8:30 p.m. (CDST) on 04 July, 1991. It terminates at 10:30 p.m. (CDST) on 04 July 1991 unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: CWO R. L. Johnson (502) 582–5194.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication due to the short notice of the incident. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels involved.

Drafting Information

The drafter of this regulation is CWO R. L. Johnson, project offier for the Captain of the Port.

Discussion of Regulation

The event requiring this regulation will begin on 04 July 1991 at 8:30 p.m. CDST and end on 04 July 1991 at 10:30 p.m. CDST. The fireworks display will take place at mile 792.5 on the Ohio River. The river closure is needed to protect river traffic and spectators.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new 165.T2028 is added as follows:

§ 165.T2028 Safety Zone: All waters of the Ohio River from Mile 792.0 to 793.0

(a) *Location.* The following area is a safety zone: All waters of the Ohio River Mile 792.0 to 793.0.

(b) *Effective date.* This regulation becomes effective at 8:30 p.m. CDST on 04 July 1991. It terminates at 10:30 p.m. CDST on 04 July 1991, unless sooner terminated by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio Channel 16 during the event.

Dated: 22 May 1991.

D.W. Cleaveland,

Captain of the Port, Louisville, Kentucky.

[FR Doc. 91–13809 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[Regulation 91–11]

Safety Zone Regulations; Louisville, KY

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Ohio River, mile 757.0 to 758.0. The zone is needed to protect all vessels and spectators from a safety hazard associated with a fireworks display sponsored by the Owensboro Summer Festival. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 9:00 p.m. (CDST) on 04 July, 1991. It terminates at 10:30 p.m. (CDST) on 04 July 1991 unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: CWO R. L. Johnson (502) 582–5194.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication due to the short notice of the incident. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels involved.

Drafting Information

The drafter of this regulation is CWO R. L. Johnson, project officer for the Captain of the Port.

Discussion of Regulation

The event requiring this regulation will begin on 04 July 1991 at 9:00 p.m. CDST and end on 04 July 1991 at 10:30 p.m. CDST. The fireworks display will take place at mile 757.5 on the Ohio River. The river closure is needed to protect river traffic and spectators.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new 165.T2027 is added as follows:

§ 165.T2027 Safety Zone: All waters of the Ohio River from Mile 757.0 to 758.0

(a) *Location.* The following area is a safety zone: All waters of the Ohio River Mile 757.0 to 758.0.

(b) *Effective date.* This regulation becomes effective at 9 p.m. CDST on 04 July 1991. It terminates at 10:30 p.m. CDST on 04 July 1991, unless sooner terminated by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio Channel 16 during the event.

Dated: 22 May 1991.

D.W. Cleaveland,

Captain of the Port, Louisville, Kentucky.

[FR Doc. 91–13810 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[Regulation 91–03]

Safety Zone Regulations; Lower Mississippi River Mile 733.0 to 738.0 and the Wolf River Chute Mile 0.0–1.0

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Lower Mississippi River from mile 733.0 to mile 738.0 and the Wolf River Chute mile 0.0 to 1.0. The safety zone is needed to protect commerical and recreational marine traffic from a safety hazard associated with an airshow occurring over the Mississippi River and the Wolf River Chute. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective on the following times and dates: 2 p.m. to 4:30 p.m. on 14 June 1991, 2 p.m. to 5 p.m. on 15 June 1991; and 8 p.m. to 9:45 p.m. on 15 June 1991, 2 p.m. to 5 p.m. on 16 June 1991.

FOR FURTHER INFORMATION CONTACT: ENS. Randall Tucker, Coast Guard Marine Safety Office, Memphis, TN (901) 544–3941.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels involved.

DRAFTING INFORMATION: The drafter of this regulation is ENS Randall Tucker, project officer for the Captain of the Port.

DISCUSSION OF THE REGULATION: The event requiring this regulation will occur on 14 through 16 June 1991. This safety zone is established in conjunction with an airshow over the Lower Mississippi River and the Wolf River Chute, therefore, making it ncessary to ensure the safety of commerical and recreational craft in the area.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.T0215 is added to read as follows:

§ 165.T0215 Safety Zone: Lower Mississippi River From Mile 733.0 to Mile 738.0 and the Wolf River Chute Mile 0.0–1.0.

(a) *Location.* The following area is a safety zone: Lower Mississippi River from mile 733.0 to mile 738.0 and the Wolf River Chute mile 0.0–1.0.

(b) *Effective date.* This regulation is effective on the following times and dates: 2 p.m. to 4:30 p.m. on 14 June 1991, 2 p.m. to 5 p.m. on 15 June 1991; and 8 p.m. to 9:45 p.m. on 15 June 1991, 2 p.m. to 5 p.m. on 16 June 1991.

(c) *Regulation.* In accordance with the general regulations in § 165.23 of this part, no vessel may enter or remain in this zone during the times indicated unless authorized by the Captain of the Port, Memphis, TN.

Dated: 23 May 1991.

M.J. Donohoe,

Captain of the Port, Memphis, TN.

[FR Doc. 91–13811 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–14–M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 519

[APD 2800.12A, CHGE 23]

General Services Administration Acquisition Regulation; SBA 8(a) Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), chapter 5, is amended to add section 519.201 to establish procedures for the Director of Small and Disadvantaged Business Utilization to recommend that procurements be set-aside under FAR 19.5 or 19.8; and to add subpart 519.8 to provide procedures for consideration by contracting officers of recommendations by the Director of Small and Disadvantaged Business Utilization or Small Business Technical Advisors that a procurement be set-aside for the 8(a) program.

EFFECTIVE DATE: June 13, 1991.

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad, Office of GSA Acquisition Policy, (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the Federal Register for public comments because it simply establishes internal operating procedures and has no impact on offerors or contractors.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations for Executive Order 12291. The exemption applies to this proposed rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–511) does not apply to this rule because it is not a "significant revision" as defined in FAR 1.561–1, i.e., it does not have a significant effect beyond the internal operating procedures of the agency.

D. Paperwork Reduction Act

This proposed rule does not contain any recordkeeping or information collection requirements that require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 519

Government procurement.

48 CFR part 519 is amended to read as follows:

PART 519—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

Subpart 519.2—Policies

1. The authority citation for 48 CFR part 519 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 519.201 is added to read as follows:

519.201 General policy.

The Director of Small and Disadvantaged Business Utilization (AU) may make recommendations to the contracting officer as to whether a particular acquisition should be awarded under FAR 19.5 as a set-aside (including those involving Labor Surplus Areas) or under FAR 19.8 as a section 8(a) award directly or though the SBTA.

3. Subpart 519.8 is added to read as follows:

Subpart 519.8—Contracting With the Small Business Administration (The 8(a) Program)

519.803 Selecting acquisitions for the 8(a) program.

519.803–70 Contracting Officer evaluation of recommendations for 8(a) set-aside(s).

If the Director of Small and Disadvantaged Business Utilization (AU) or the SBTA recommends that a procurement be set-aside for award under the 8(a) program and the contracting officer disagrees, the contracting officer shall discuss the matter with the official that made the recommendation before making a final decision. If the contracting officer decides not to award the contract under the 8(a) program as recommended, the reasons for the decision must be documented for the record as required by FAR 19.202 and a copy of the documentation must be forwarded to AU within 10 working days of the contracting officer's decision.

Dated: May 23, 1991.

Richard H. Hopf III,

Associate Administrator for Acquisition Policy.

[FR Doc. 91–13741 Filed 6–10–91; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 25; Notice 65]

RIN 2127–AE02

Consumer Information Regulations; Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This rule amends certain provisions of the Uniform Tire Quality Grading Standards (UTQGS), by rescinding the initial 30-day effective date concerning tire rotation in treadwear convoys and adopting a new effective date of September 1, 1993. Based on its further review, the agency has determined that the final rule provided insufficient leadtime to require tire rotation among vehicles in treadwear convoys. This notice also postpones the effective date for the provision regarding assigning treadwear grades in 20-point intervals until September 1, 1993. The agency believes that this additional leadtime will reduce the costs of this amendment. Finally, this rule responds to other issues raised in petitions for reconsideration by clarifying the amendment to the wheel alignment specification and denying a request to modify the simplified grading method.

DATES: The amendment in amendatory instruction 3 to § 575.104 (e)(1) and (e)(2)(i)–(viii) is effective June 11, 1991, through August 31, 1993.

The amendments in amendatory instruction 3A to § 575.104 (e)(1) and (e)(2)(i)–(viii) become effective on September 1, 1993. Tires manufactured before September 1, 1993 may comply with the post-September 1993 requirements for tire rotation among treadwear convoy vehicles.

The amendments to §§ 575.104(d)(2)(1) and 575.104(e)(2)(ix)(F) become effective on September 1, 1993.

Petitions for reconsideration. Any petitions for reconsideration of this rule must be received by NHTSA no later than July 11, 1991.

ADDRESSES: Any petition for reconsideration should refer to the docket and notice number set forth in the heading of this notice and be submitted to: Administrator, NHTSA,

400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Gordy, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366–4797.

SUPPLEMENTARY INFORMATION:

Background Information

Under the Uniform Tire Quality Grading Standards (UTQGS), manufacturers or brand name owners of passenger car tires are required to provide consumers with information about their tires' relative performance in terms of treadwear, traction, and temperature resistance. (49 CFR 575.104). The primary purpose of the treadwear grades is to aid consumers in the selection of new tires by informing them of the relative amount of expected tread life for each tire offered for sale.

The treadwear grades are based on the test results of tires on vehicles traveling 6,400 miles over a predetermined outdoor course on public roads near San Angelo, Texas. In order to compare candidate tire performances measured at different times under different road conditions, there must be a correction of test results to account for the effects of the particular environmental conditions of each test. This correction is accomplished by including "course monitoring tires" (CMTs) in all treadwear test fleets. The treadwear of the CMT reflects changes in course severity due to factors such as road surface wear and environmental conditions. Differences between the wear rate of the CMT under the set of conditions experienced by test fleets versus a base wear rate (explained further later in this notice) for the CMT are used to adjust the measured treadwear of the candidate tires.

Until very recently, treadwear test convoys consisted of one rear-wheel-drive passenger car with four CMTs and up to three other rear-wheel-drive passenger cars with candidate tires of the same construction type. 49 CFR 575.104(e) (1)–(2). After each 800 miles of the test, each tire's tread depth was measured, the tires on each car were rotated to a different position on the same car, the order of the cars in the convoy was changed, and the wheel alignments were readjusted if necessary to bring them within the ranges of the vehicle manufacturer's specifications. At the end of the 16-circuit test, each tire's overall wear rate was calculated from the tread depths measured after each interval by using the regression line technique in appendix C of § 575.104. The tires were then assigned treadwear grades in 10-point intervals.

On January 19, 1989, NHTSA issued a notice of proposed rulemaking (NPRM), proposing four changes that the agency tentatively concluded would make treadwear grades more representative by reducing the variability or simplifying the calculations related to these grades. (54 FR 2167). Less variability in treadwear test results would provide consumers with more precise information about relative tread life of different tires.

These proposals were adopted in a final rule issued on November 15, 1990. (55 FR 47765). First, the new rule amended the requirements about the wheel alignment of test vehicles so that they are set more precisely, based on the vehicle manufacturer's specifications. Second, the rule amended the requirements about tire rotation so that all tires, both candidate tires and CMTs, in a treadwear convoy are to be driven on each wheel position on each vehicle the same distance. Third, the rule amended the requirements to permit a simplified method for treadwear grading so that tire tread depth measurements may be taken twice instead of nine times. Fourth, it amended the requirements to replace the previous practice of assigning grades in 10-point intervals to reflect the differences in treadwear with a new practice of assigning grades in 20-point intervals. The first three amendments became effective on December 17, 1990. The fourth amendment was set to take effect on November 15, 1991.

Petitions for Reconsideration

In response to the final rule, the agency received petitions for reconsideration from the Rubber Manufacturers Association (RMA), Standards Testing Laboratories (STL), Texas Test Fleet, Long and Associates, and Smithers Scientific Services. This notice responds to the petitions for reconsideration.

Wheel Alignment Specification

The previous UTQGS provisions required wheel alignment to be adjusted, as specified by the vehicle manufacturer. Thus, alignment factors could vary with the range specified by the manufacturer. To reduce variability, the final rule prescribed exact alignment settings rather than a range.

In their petitions for reconsideration, Smithers and RMA commented that because no alignment equipment can be perfectly accurate, all such equipment permit an allowable tolerance. Accordingly, they requested that the wheel alignment requirements be modified to account for this limitation by including the phrase "within the capability of the equipment used."

Upon reconsideration, the agency recognizes that vehicle alignment factors set to the mid-point of the manufacturer's specifications or to the manufacturer's recommended tolerance cannot be absolute, given the physical limitations of alignment machines. Despite these limitations, these settings can be made within the tolerances of the alignment machines. To accommodate this situation, the agency has decided to add the sentence—"In all cases, the setting is within the tolerance specified by the manufacturer of the alignment machine"—to the provisions that address wheel alignment (§ 575.104 (e)(2)(iv), (e)(2)(vii), and (e)(2)(viii) (C) and (D).

Tire Rotation Among Convoy Vehicles

The previous UTQGS provisions required that tires be rotated to each wheel position on a given passenger car in a treadwear test convoy. (575.104(e)). However, tires were not required to be rotated to other cars in a convoy.

In the November 15, 1990 final rule, the agency amended § 575.104(e) to require tires to be rotated among convoy vehicles so that each tire is at each wheel position in the test convoy for the same distance. The agency believed that this amendment would limit the effects of vehicle and driver variability. At the time, the agency believed that the amendment would be feasible and would not impose significant hardships, even for tires that were not 14 inches in diameter.

In their petitions for reconsideration, all the petitioners commented that the new rotation requirements would result in significant problems. Accordingly, the petitioners requested the agency to withdraw the new rotation requirements or delay the amendment's effectiveness until the agency can procure CMTs and make them available to UTQG testers. The petitioners stated that at present NHTSA did not have CMTs available in enough sizes and load carrying capacities to properly test all tire lines. In addition, Smithers, RMA, and STL argued that a delay was necessary to allow the agency time to establish base course wear rates for the new CMTs.

Upon reconsideration, the agency has determined that the December 17, 1990 effective date for the tire rotation requirements provided insufficient leadtime to require tire rotation among vehicles in treadwear convoys. In light of the arguments presented in the petitions, NHTSA has carefully reexamined the tire rotation amendment

to determine an appropriate effective date. Based on this re-examination, the agency has decided to adopt an effective date of September 1, 1993. As the petitioners correctly noted, additional leadtime is necessary to avoid practicability problems which would arise from a short leadtime. Specifically, rotation of tires among all vehicles in a treadwear convoy requires the availability of CMTs of approximately the same size as the candidate tires. CMTs are specially manufactured tires whose wear rate is compared to the wear rate of the candidate tires to minimize variations in treadwear caused by factors other than the quality of the candidate tires. Along with the time needed to procure and produce CMTs, NHTSA normally makes two determinations about a new group of CMTs before making those CMTs available to manufacturers for use in testing. First, the agency ensures that the coefficient of variation (COV) for new CMTs does not exceed 5.0. Second, it determines the base course wear rate (BCWR) for new CMTs. The BCWR is necessary to allow persons testing candidate tires to adjust the wear rates of the candidate tires to reflect the severity of the environmental conditions encountered during the testing.

Contrary to the agency's determination in the final rule that the new rotation requirements could take effect soon after the rule was published, the agency now believes that such an implementation date is impracticable, given the additional time necessary to procure and test CMTs in sizes other than the currently available 14-inch CMTs. Accordingly, the agency is adopting a September 1, 1993 effective date for the tire rotation requirements. The agency notes that tires manufactured before September 1, 1993 may comply with the new requirements. To minimize the disruption of the treadwear grading, the agency is immediately reinstating the requirements for treadwear convoys that were in effect before the recent amendments. In the meantime, the agency will begin to procure new CMTs and establish their new base course wear rates. The agency further notes that it will take no enforcement action regarding the requirements about rotation among treadwear convoy vehicles in effect between December 17, 1990 and the issuance of this notice.

This notice's regulatory text sets forth the complete "treadwear grading procedures and conditions" in § 575.104(e) for both before and after September 1, 1993, except for the requirements in § 574.105(e)(2)(ix) which remain essentially unchanged. Given the complexity of these requirements, the agency believes that this approach will facilitate making the amendments understandable to the reader.

Simplification of the Grading Procedure

The previous UTQGS provisions required the evaluator to measure tread depth nine times, resulting in 4,320 measurements, during the test. In the final rule, the agency amended § 575.103(e) to permit the evaluator to measure tread depth either twice or nine times, thus resulting in the need for 960 rather than 4,320 measurements. The final rule explained that the simplified grading method will provide representative treadwear grades, while simplifying the test procedures, reducing costs, and reducing the complexity of the calculations.

In its petition for reconsideration, Smithers commented that the two-point method would result in increased variability and the issuance of an unneeded, additional report. It further stated that evaluators would still rely on the nine-point method and that no manufacturer would elect the two-point method unless it yielded a higher grade. Accordingly, Smithers requested that the nine-point method be mandatory.

After reviewing the treadwear grading procedures, the agency has decided to deny the petitioner's request to permit only the nine-point method. As explained in the final rule, because the grades determined by the simplified two-point method and the nine-point method are not significantly different, variability is not a problem. In addition, providing the optional two-point method permits a simplified test procedure, may reduce costs, and reduces the complexity of the calculations.

Increase Treadwear Grade Interval From 10 to 20 Points

The previous UTQGS provisions required that the projected mileage for treadwear grades be expressed in 10-point intervals. (575.104(d)(2)(i), see also § 575.104(e)(ix)(F)). In the November 15, 1990 final rule, the agency amended the provisions to require treadwear grades to be expressed in 20-point intervals. The agency believed that since most passenger car tires are of a radial design with significantly longer treadwear than bias and bias-ply tires, the 20-point interval is more relevant to consumer's buying decisions. The agency provided a one-year leadtime for this amendment, which was set to take effect on November 15, 1991.

In its petition for reconsideration, RMA requested that the amendment about the 20-point grade level interval be withdrawn. In the alternative, the petitioner requested that for tire lines existing on December 17, 1990 with treadwear grades in multiples of ten, the agency should allow them to retain their current grade until the tire line is phased out of production or the grade is changed. The petitioner stated that applying the 20-point grade amendment to molds of currently existing tire lines would provide no benefit to consumers but would cause considerable costs and problems to manufacturers.

Upon reconsideration, the agency has determined that a longer leadtime is necessary to reduce the costs associated with the amendment. Accordingly, the agency is postponing the effective date of November 15, 1991 and adopting a new effective date of September 1, 1993. Based on statements in the petition, the agency now believes that without the additional leadtime, the amendment might result in considerable costs and problems to tire manufacturers without providing corresponding benefits to consumers sufficient to justify the burdens. In particular, the agency is concerned that the new grading requirements would require the restamping of thousands of tire molds and related consumer publications within an unreasonably short timeframe, potentially resulting in substantial costs and unjustified losses of production. Additionally, the agency notes that a significant number of tire lines are routinely phased-out or regraded over the course of three years. These difficulties can be substantially reduced by allowing additional leadtime. Therefore, the agency has decided to postpone the implementation of this provision until September 1, 1993.

Effective Date

Section 103(c) of the Vehicle Safety Act requires that each order shall take effect no sooner than 180 days or later than one year from the date the order is issued unless "good cause" is shown that an earlier or later effective date is in the public interest. After reevaluating the amendments in light of the petitions for reconsideration, NHTSA believes that there is "good cause" to provide leadtime of less than 180 days for the modification of the wheel alignment requirements, since the amendment merely clarifies the provisions. For the same reason, there is "good cause" to make this provision effective within less than 30 days. The agency further believes that there is "good cause" to provide leadtime of more than one year for the other amendments. The additional leadtime to the rotation requirements should alleviate the

practicability problems raised by the petitioners. The agency notes that tires manufactured before September 1, 1993 may comply with the new requirements. The additional leadtime to the provisions about 20-point intervals should significantly reduce the costs associated with that amendment.

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has analyzed this rule and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation regulatory policies and procedures. The agency believes that a full regulatory evaluation is not required because the rule will have only minimal economic impacts. Adopting a later effective date for the treadwear convoy rotation requirements should not adversely affect any person, since the agency is only allowing sufficient time for the agency to procure and test the course monitoring tires. Adopting an effective date of September 1, 1993 for the grade interval requirement should not significantly affect any person, since the greater leadtime will minimize any cost impacts of this requirement. Therefore, a full regulatory evaluation has not been prepared.

Regulatory Flexibility Act

NHTSA has also considered the effects of this regulatory action under the Regulatory Flexibility Act. I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. The parties affected by these changes are tire manufacturers and brand name owners. Few, if any, of the tire manufacturers are small entities. However, some of the brand name owners and UTQG test evaluators may qualify as small entities. Since the economic impacts of these amendments will be minimal, as described above, any impacts on brand name owners and tire manufacturers will not be significant. Small organizations and small governmental entities may be affected by these amendments, as purchasers of new tires. Again, however, any economic impacts on these small entities will not be substantial.

Executive Order 12612 (Federalism)

The rule has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and NHTSA has determined that it does not have sufficient Federalism implications to warrant the preparation of Federalism Assessment.

National Environmental Policy Act

The agency has also reviewed the rule under the National Environmental Policy Act and determined that it will not have a significant effect on the human environment.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 575—CONSUMER INFORMATION REGULATIONS

In consideration of the foregoing, 49 CFR 575.104, Uniform Tire Quality Grading Standards is amended as follows:

1. The authority citation for part 575 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1407, 1421, 1423; delegation of authority at 49 CFR 1.50.

§ 575.104 [Amended]

2. Section 575.104(d)(2)(1) is revised to read as follows:

* * * * *

(2) *Performance*—(i) *Treadwear.* Each tire shall be graded for treadwear performance with the word "TREADWEAR" followed by a number of two or three digits representing the tire's grade for treadwear, expressed as a percentage of the NHTSA nominal treadwear value, when tested in accordance with the conditions and procedures specified in paragraph (e) of this section. On and before August 31, 1993, treadwear grades shall be in multiples of 10. (e.g., 80, 150). On and after September 1, 1993, treadwear grades shall be in multiples of 20. (e.g., 80, 120, and 160).

* * * * *

3. Section 575.104 (e)(1) and (e)(2)(i) through (viii) are revised effective June 11, 1991, through August 31, 1993 to read as follows:

* * * * *

(e) *Treadwear grading conditions and procedures*—(1) *Conditions.* (i) Tire treadwear performance is evaluated on a specific roadway course approximately 400 miles in length, which is established by the NHTSA both for its own compliance testing and for that of regulated persons. The course is designed to produce treadwear rates that are generally representative of those encountered by tires of differing construction types. The course and driving procedures are described in Appendix A of this section.

(ii) Treadwear grades are evaluated by first measuring the performance of a candidate tire on the government test course, and then correcting the projected mileage obtained to account for environmental variations on the basis of the performance of the course monitoring tires of the same general construction type (bias, bias-belted, or radial) run in the same convoy. The three types of course monitoring tires are made available by the NHTSA at Goodfellow Air Force Base, San Angelo, Tex., for purchase by any persons conducting tests at the test course.

(iii) In convoy tests, each vehicle in the same convoy, except for the lead vehicle, is throughout the test within human eye range of the vehicle immediately ahead of it.

(iv) A test convoy consists of no more than four passenger cars, each having only rear-wheel drive.

(v) On each convoy vehicle, all tires are mounted on identical rims of design or measuring rim width specified for tires of that size in accordance with 49 CFR 571.109, S4.4.1 (a) or (b), or a rim having a width within −0 to +0.50 inches of the width listed.

(2) *Treadwear grading procedure.* (i) Equip a convoy as follows: Place four course monitoring tires on one vehicle. On each other vehicle, place four candidate tires with identical size designations. On each axle, place tires that are identical with respect to manufacturer and line.

(ii) Inflate each candidate and each course monitoring tire to the applicable pressure specified in Table 1 of this section.

(iii) Load each vehicle so that the load on each course monitoring and candidate tire is 85 percent of the test load specified in § 575.104(h).

(iv) Adjust wheel alignment to the midpoint of the vehicle manufacturer's specifications, unless adjustment to the midpoint is not recommended by the manufacturer; in that case, adjust the alignment to the manufacturer's recommended setting. In all cases, the setting is within the tolerance specified by the manufacturer of the alignment machine.

(v) Subject candidate and course monitoring tires to "break-in" by running the tires in the convoy for two circuits of the test roadway (800 miles). At the end of the first circuit, rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle. Visually inspect each tire for any indication of abnormal wear, tread separation, bulging of the sidewall, or any sign of tire failure. Void the grading

results from any tire with any of these anomalies, and replace the tire.

(vi) After break-in, allow the air pressure in the tires to fall to the applicable pressure specified in Table I of this section or for 2 hours, whichever occurs first. Measure, to the nearest 0.001 inch, the tread depth of each candidate and each course monitoring tire, avoiding treadwear indicators, at six equally spaced points in each groove. For each tire compute the average of the measurements. Do not measure those shoulder grooves which are not provided with treadwear indicators.

(vii) Adjust wheel alignment to the midpoint of the manufacturer's specifications, unless adjustment to the midpoint is not recommended by the manufacturer; in that case, adjust the alignment according to the manufacturer's recommended setting. In all cases, the setting is within the tolerance specified by the manufacturer of the alignment machine.

(viii) Drive the convoy on the test roadway for 6,400 miles. After each 800 miles:

(A) Following the procedure set out in paragraph (e)(2)(vi) of this section, allow the tires to cool and measure the average tread depth of each tire;

(B) Rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle.

(C) Rotate the vehicles in the convoy by moving the last vehicle to the lead position. Do not rotate driver position within the convoy.

(D) Adjust the wheel alignment to the midpoint of the vehicle manufacturer's specification, unless adjustment to the midpoint is not recommended by the manufacturer; in that case, adjust the alignment to the manufacturer's recommended setting. In all cases, the setting is within the tolerance specified by the manufacturer of the alignment machine.

(E) If determining the projected mileage by the 9-point method set forth in (e)(2)(ix)(A)(1), measure the average tread depth of each tire following the procedure set forth in paragraph (e)(2)(vi) of this section.

(F) At the end of the test, measure the tread depth of each tire pursuant to the procedure set forth in paragraph (e)(2)(vi) of this section.

3A. Section 575.104 (e)(1) and (e)(2) (i) through (viii) is revised effective on and after September 1, 1993 and may be used at the manufacturer's option before this date:

* * * * *

(e) *Treadwear grading conditions and procedures*—(1) *Conditions.*

(i) Tire treadwear performance is evaluated on a specific roadway course approximately 400 miles in length, which is established by the NHTSA both for its own compliance testing and for that of regulated persons. The course is designed to produce treadwear rates that are generally representative of those encountered by tires in public use. The course and driving procedures are described in Appendix A of this section.

(ii) Treadwear grades are evaluated by first measuring the performance of a candidate tire on the government test course, and then correcting the projected mileage obtained to account for environmental variations on the basis of the performance of the course monitoring tires run in the same convoy. The course monitoring tires are made available by the NHTSA at Goodfellow Air Force Base, San Angelo, Tex., for purchase by any persons conducting tests at the test course.

(iii) In convoy tests, each vehicle in the same convoy, except for the lead vehicle, is throughout the test within human eye range of the vehicle immediately ahead of it.

(iv) A test convoy consists of two or four passenger cars, each having only rear-wheel drive.

(v) On each convoy vehicle, all tires are mounted on identical rims of design or measuring rim width specified for tires of that size in accordance with 49 CFR 571.109, S4.4.1 (a) or (b), or a rim having a width within −0 to +0.50 inches of the width listed.

(2) *Treadwear grading procedure.* (i) Equip a convoy as follows: Place four course monitoring tires on one vehicle. Place four candidate tires with identical size designations on each other vehicle in the convoy. On each axle, place tires that are identical with respect to manufacturer and line.

(ii) Inflate each candidate and each course monitoring tire to the applicable pressure specified in Table 1 of this section.

(iii) Load each vehicle so that the load on each course monitoring and candidate tire is 85 percent of the test load specified in § 575.104(h).

(iv) Adjust wheel alignment to the midpoint of the vehicle manufacturer's specifications, unless adjustment to the midpoint is not recommended by the manufacturer; in that case, adjust the alignment to the manufacturer's recommended setting. In all cases, the setting is within the tolerance specified by the manufacturer of the alignment machine.

(v) Subject candidate and course monitoring tires to "break-in" by running the tires in the convoy for two circuits of the test roadway (800 miles). At the end of the first circuit, rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle. Visually inspect each tire for any indication of abnormal wear, tread separation, bulging of the sidewall, or any sign of tire failure. Void the grading results from any tire with any of these anomalies, and replace the tire.

(vi) After break-in, allow the air pressure in the tires to fall to the applicable pressure specified in Table I of this section or for 2 hours, whichever occurs first. Measure, to the nearest 0.001 inch, the tread depth of each candidate and each course monitoring tire, avoiding treadwear indicators, at six equally spaced points in each groove. For each tire compute the average of the measurements. Do not measure those shoulder grooves which are not provided with treadwear indicators.

(vii) Adjust wheel alignment to the midpoint of the manufacturer's specifications, unless adjustment to the midpoint is not recommended by the manufacturer; in that case, adjust the alignment according to the manufacturer's recommended setting. In all cases, the setting is within the tolerance specified by the manufacturer of the alignment machine.

(viii) Drive the convoy on the test roadway for 6,400 miles.

(A) After each 400 miles, rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle. Visually inspect each tire for treadwear anomalies.

(B) After each 800 miles, rotate the vehicles in the convoy by moving the last vehicle to the lead position. Do not rotate driver positions within the convoy. In four-car convoys, vehicle one shall become vehicle two, vehicle two shall become vehicle three, vehicle three shall become vehicle four, and vehicle four shall become vehicle one.

(C) After each 800 miles, if necessary, adjust wheel alignment to the midpoint of the vehicle manufacturer's specification, unless adjustment to the midpoint is not recommended by the manufacturer; in that case, adjust the alignment to the manufacturer's recommended setting. In all cases, the setting is within the tolerance specified by the manufacturer of the alignment machine.

(D) After each 800 miles, if determining the projected mileage by the 9-point method set forth in (e)(2)(ix)(A)(1), measure the average tread depth of each tire following the

procedure set forth in paragraph (e)(2)(vi) of this section.

(E) After each 1,600 miles, move the complete set of four tires to the following vehicle. Move the tires on the last vehicle to the lead vehicle. In moving the tires, rotate them as set forth in (e)(2)(viii)(A) of this section.

(F) At the end of the test, measure the tread depth of each tire pursuant to the procedure set forth in paragraph (e)(2)(vi) of this section.

* * * * *

4. Section 575.104(e)(2)(ix)(F) is revised to read as follows:

* * * * *

(F) Compute the percentage (P) of the NHTSA nominal treadwear value for each candidate tire using the following formula:

$$P = \frac{\text{Projected mileage}}{30{,}000} \times 100$$

On and before August 31, 1993, round off the percentage to the nearest lower 10-point increment. On and after September 1, 1993, round off the percentage to the nearest lower 20-point increment.

* * * * *

Issued on: June 4, 1991.

Jerry Ralph Curry,

Administrator.

[FR Doc. 91–13597 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 901246–1100]

RIN 0648–AC88

Northeast Multispecies Fishery; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; interim final rule and request for comments; corrections.

SUMMARY: NMFS corrects errors in the preamble to the final rule to implement Amendment 4 to the Fishery Management Plan for the Northeast Multispecies Fishery, published May 31, 1991 (56 FR 24724).

FOR FURTHER INFORMATION CONTACT: Jack Terrill (NMFS, Resource Policy Analyst), 508–281–9252.

SUPPLEMENTARY INFORMATION: In rule document 91–12894 beginning on page 24724 in the issue of Friday, May 31, 1991, make the following corrections:

1. On page 24724, in the first column, under the **"DATES"** heading, in the second line after "June 27, 1991," insert "except for § 651.7(b)(2) and § 651.20(b)(1), which are effective June 10, 1991."

2. On page 24726, in the second column, under "Classification", insert the following as the third paragraph: "Sections 651.7(b)(2) and 651.20(b)(1) establish a larger mesh size for the Southern New England Yellowtail Area, to protect juvenile flounder following the spawning closure from March through May. It is contrary to the public interest to delay the effective date of the mesh size change for 30 days under section 553(d) of the Administrative Procedure Act, since the final rule is being published just as this area has reopened. An immediate effective date is necessary to prevent discard and mortality of significant amounts of small fish necessary to rebuild the yellowtail flounder resource."

Dated: June 7, 1991.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 91–13995 Filed 6–7–91; 2:57 pm]

BILLING CODE 3510–22–M

50 CFR Part 661

[Docket No. 910226–1116]

RIN 0648–AC85

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement Amendment 10 (amendment) to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California Commencing in 1978 (FMP). This rule: (1) Revises the method of inseason reallocation of coho salmon south of Cape Falcon, Oregon, which will help assure completion of the recreational season and allow the commercial fishery an opportunity to harvest any available reallocation; and (2) modifies the criteria that guide ocean harvest allocation for the recreational fisheries north of Cape Falcon, including inseason and geographic deviations from the allocation schedule.

EFFECTIVE DATE: July 11, 1991.

ADDRESSES: Copies of the amendment, including the environmental assessment and the regulatory impact review, are available from the Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, Oregon 97201–5344.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Northwest Region, NMFS), 206–526–6140; Rodney R. McInnis (Southwest Region, NMFS), 213–514–6199; or Lawrence D. Six (Pacific Fishery Management Council), 503–221–6352.

SUPPLEMENTARY INFORMATION:

Background

As authorized by the Magnuson Fishery Conservation and Management Act (Magnuson Act), the FMP was prepared by the Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) on March 2, 1978. Since then, the FMP has been amended nine times, with implementing regulations codified at 50 CFR part 661. From 1979 to 1983, the FMP was amended annually. In 1984, a framework amendment was implemented that provided the mechanism for making preseason and inseason adjustments in the regulations without annual amendments (49 FR 43679, October 31, 1984). Amendments to the framework FMP were also implemented in 1987, 1988, and 1989.

The major purposes of Amendment 10 are: (1) To modify the date, from August 1 to August 15, before which surplus coho salmon south of Cape Falcon, Oregon, may be reallocated from the recreational to the commercial fishery for the purpose of assuring completion of the recreational season while allowing the commercial fishery an opportunity to harvest any available surplus; (2) to modify the criteria that guide ocean harvest allocation between management subareas for the recreational fisheries north of Cape Falcon, including inseason and preseason deviations from the allocation schedule; and (3) to define overfishing based on the spawning escapement goals for the salmon stocks specified in the FMP. All of the above, except the definition of overfishing, necessitated a change in the framework procedure set forth in the appendix to 50 CFR part 661.

A notice of availability of Amendment 10 was published in the **Federal Register** on January 9, 1991 (56 FR 836). A 60-day public comment period for Amendment 10 ended on February 27, 1991. Proposed regulations to implement Amendment 10 were published in the **Federal Register** on February 19, 1991 (56 FR 6614). A 45-

day public comment period for the implementing regulations ended on March 29, 1991. The preamble to the proposed rule discussed the rationale for the proposed amendments. The amendment was approved by the Director, Northwest Region, NMFS, on April 5, 1991. This final rule makes editorial changes only to the proposed regulations published on February 19, 1991 (56 FR 6618). Comments received during the public comment period are summarized and responded to below.

All of the six letters received addressed only the modification of criteria guiding the non-treaty catch allocation north of Cape Falcon, Oregon. Two respondents supported the amendment. Four respondents opposed this portion of the amendment, specifically the removal of the existing preseason authority to deviate from the preseason subarea allocations for the recreational fishery in order to protect weak salmon stocks and provide larger overall recreational harvest north of Cape Falcon.

Comment 1: In the event that weak stocks are impacted to a greater degree by the fishery north of Leadbetter Point, Washington, preseason flexibility would allow the overall recreational catch to be increased by shifting the majority of the fishery (i.e., quota) south of Leadbetter Point.

Response: The amendment establishes a baseline preseason geographic distribution of coho salmon north of Cape Falcon as 50 percent to the area north of Leadbetter Point, Washington, and 50 percent to the area south of Leadbetter Point. Recreational fishing representatives from north and south of Leadbetter Point could not reach consensus on criteria for preseason deviations from the baseline allocations. The Council's recommended alternative recognizes this lack of consensus by removing the existing preseason flexibility to deviate from the 50/50 allocations. Recreational fishermen from north of Leadbetter Point objected to preseason flexibility for fear that southward shifts of the recreational quota would adversely impact recreational fishing opportunities and the local communities north of Leadbetter Point. The Council will be considering alternatives for preseason flexibility for inclusion in the next amendment cycle.

Comment 2: Under the amendment, the Council no longer has the flexibility to manage for the protection of weak stocks.

Response: The Council has not lost the flexibility to manage for the protection of weak stocks. The change merely removes the ability to shift harvest to different subareas in order to increase the overall harvest. In the recreational fishery, there is some importance in having the fishery occur predictably in various areas rather than being moved out of one area in order to increase the overall catch.

Two respondents supported the recommended action and expressed a willingness to continue to work towards agreement on greater preseason flexibility to deviate from the baseline subarea allocations. They preferred that the Council address the issue of preseason flexibility in its next amendment to the FMP.

Classification

The Regional Director determined that the amendment is necessary for the conservation and management of the ocean salmon fishery and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment for the amendment. Based on this assessment, the Assistant Administrator for Fisheries (Assistant Administrator) concluded that there will be no significant impact on the human environment as a result of this rule. The environmental assessment is part of the amendment and may be obtained from the Council (see ADDRESSES).

The Assistant Administrator has determined that this rule is not a major rule requiring a regulatory impact analysis under Executive Order 12291. This determination was based on analysis of the regulatory impact review (RIR) prepared for this rule. A copy of the RIR may be obtained from the Council (see ADDRESSES).

The General Counsel of the Department of Commerce certified to the Small Business Administration that the rule will not have a significant economic impact on a substantial number of small entities. As a result, a final regulatory flexibility analysis was not prepared.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of the States of Washington, Oregon, and California, and the San Francisco Bay Conservation and Development Commission. This determination was submitted to the responsible state agencies and the San Francisco Bay Commission for review under section 307 of the Coastal Zone Management Act. All agencies either agreed with this determination or failed to comment within the statutory time period for comment.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

Dated: June 5, 1991.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 661 is amended to read as follows:

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

1. The authority citation for 50 CFR part 661 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In the appendix, in section II.B., paragraph 2(a)(iii)(D) is revised and new paragraphs 2(a)(iii) (E) and (F) are added to read as follows:

Appendix

* * * * *

II. * * *

B. * * *

2. * * *

(a) * * *

(iii) * * *

(D) Any increase or decrease in the recreational or commercial allowable ocean harvest resulting from an inseason restructuring of a fishery or other inseason management action does not require reallocation of the overall non-treaty allowable ocean harvest north of Cape Falcon between the recreational and commercial fisheries.

(E) The commercial allowable ocean harvest of chinook and coho derived during the preseason allocation process may be varied by major subareas (i.e., north of Leadbetter Point and south of Leadbetter Point) if there is need to do so to decrease impacts on weak stocks. Deviations in each major subarea will generally not exceed 50 percent of the allowable ocean harvest of each species that would have been established without a geographic deviation in the distribution of the allowable ocean harvest. Deviation of more than 50 percent will be based on a conservation need to protect the weak stocks and will provide larger overall harvest for the entire fishery north of Cape Falcon than would have been possible without the deviation.

(F) The recreational allowable ocean harvest of chinook and coho derived during the preseason allocation process will be distributed among the three major recreational subareas as described in the

coho and chinook distribution sections below. Additionally, based upon the recommendation of the recreational Salmon Advisory Subpanel representatives for the area north of Cape Falcon, the Council will include criteria in its preseason salmon management recommendations to guide any inseason transfer of coho among the recreational subareas to meet recreational season duration objectives. Inseason redistributions of subarea quotas within the recreational fishery or the distribution of allowable coho catch transfers from the commercial fishery among subareas may deviate from the preseason distribution. The Council may also establish additional subarea quotas within a major subarea to meet recreational season objectives based on agreement of representatives of the affected ports.

Coho Distribution—The preseason recreational allowable ocean harvest of coho north of Cape Falcon will be distributed to provide 50 percent to the area north of Leadbetter Point and 50 percent to the area south of Leadbetter Point. In years with no fishery in Washington State management area 4B, the distribution of coho north of Leadbetter Point will be divided to provide 74 percent to the subarea between Leadbetter Point and the Queets River (Westport) and 26 percent to the subarea north of the Queets River (Neah Bay/La Push). In years when there is an Area 4B fishery under state management, 25 percent of the numerical value of that fishery shall be added to the recreational allowable ocean harvest north of Leadbetter Point prior to applying the sharing percentages. That same value would then be subtracted from the Neah Bay/La Push share in order to maintain the same total distribution north of Leadbetter Point.

Chinook Distribution—Subarea distributions of chinook will be managed as guidelines based on calculations of the Salmon Technical Team with the primary objective of achieving all-species fisheries without imposing chinook restrictions (i.e., area closures or bag limit reductions).

Chinook in excess of all-species fisheries' needs may be utilized by directed chinook fisheries north of Cape Falcon or by negotiating a preseason species trade of chinook and coho between commercial and recreational allocations in accordance with paragraph 2(a)(iii)(A) of this section.

Inseason management actions may be taken by the Regional Director to assure meeting the primary objective of achieving all-species fisheries without imposing chinook restrictions in each of the recreational subareas north of Cape Falcon. Such actions might include but are not limited to: closure from 0 to 3, or 0 to 6, or 3 to 200, or 5 to 200 nautical miles from shore; closure from a point extending due west from Tatoosh Island for 5 miles, then south to a point due west of Umatilla Reef Buoy, then due east to shore; closure from North Head at the Columbia River mouth north to Leadbetter Point; change in species that may be landed; or other actions as prescribed in the annual management measures.

* * * * *

3. In the appendix, in section II.B., paragraph 2(b)(iii) is revised to read as follows:

II. * * *

B. * * *

2. * * *

(b) * * *

(iii) No later than August 15 each year, the Salmon Technical Team will estimate the number of coho salmon needed to complete the recreational seasons. Any coho salmon allocated to the recreational fishery that are not needed to complete the recreational seasons will be reallocated to the commercial fishery. Once reallocation has taken place, the remaining recreational quota will change to a harvest guideline. If the harvest guideline for the recreational fishery is projected to be reached on or before Labor Day, the Regional Director may allow the recreational fishery to continue through the Labor Day weekend only if there is no significant danger of impacting the allocation of another fishery or of failing to meet an escapement goal.

* * * * *

[FR Doc. 91–13782 Filed 6–10–91; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 56, No. 112
Tuesday, June 11, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1435

Sugar

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations at 7 CFR part 1435 with respect to the Sugar Price Support Program which is conducted by the Commodity Credit Corporation (CCC) in accordance with section 206 of the Agricultural Act of 1949, as amended (the 1949 Act). This rule is necessary in order to implement changes made by section 901 of the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act) to authorize the Price Support Program for the 1991 through 1995 crops of sugar cane and sugar beets.

DATES: Comments must be received on or before July 11, 1991 in order to be assured of consideration.

ADDRESSES: Submit comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013, telephone (202) 447–7641.

FOR FURTHER INFORMATION CONTACT: Dave Wolf, Program Specialist, Cotton, Grain, and Rice Price Support Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC, telephone (202) 447–4704.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under United States Department of Agriculture (USDA) procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and it has been determined to be "major" because these program provisions will result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. A regulatory impact analysis is available from the previously mentioned contact.

The title and number of the Federal assistance program, as found in the catalogue of Federal Domestic Assistance, to which this notice applies is Commodity Loans and Purchases—10.051.

It has been determined that the Regulatory Flexibility Act is not applicable because the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that the program will have no significant impact on the quality of the human environment.

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, and 48 FR 29115 (June 24, 1983).

Public reporting burden for the information collections contained in this regulation with respect to the sugar price support program is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collection has previously been cleared by OMB, and assigned number 0560–0087.

This proposed rule would amend 7 CFR part 1435 to set forth the regulations which are necessary to implement title IX of the 1990 Act which amends the 1949 Act to authorize the price support program for the 1991 through 1995 crops of sugar cane and sugar beets. With the exception of the changes made necessary by the 1990 Act, the proposed rule generally provides the same provisions for these crops as were applicable to the 1990 crops with technical changes to delete obsolete provisions and to make corrections.

Section 206 of the 1949 Act establishes the term of the price support loan for a crop of sugar as the end of the ninth month or the end of the fiscal year, whichever comes first. In addition, in areas in which sugar beets normally are harvested during the last 3 months of a fiscal year, initial loans must be available on sugar processed from sugar beets harvested during such period of time must be repaid by September 30. Because of the short loan period for the initial loan, supplemental loans must also be made available beginning on October 1 for such initial loans which are repaid by October 1. The supplemental loan will mature at the end of the ninth month less the amount of time that the initial loan was made.

Accordingly, this rule amends § 1435.6(d) to establish the loan date as the last day of the ninth month following the month in which the loan was disbursed, and adds paragraph (e) to the section to provide for supplemental loans.

In the past, CCC assumed a pro rata share of the loss if all or part of the sugar pledged as collateral for loan were destroyed by specified acts of nature through no fault of the processor. This rule amends § 1435.8(b)(5) to provide that CCC shall not assume any loss in quantity or quality of loan collateral.

Since sugar price support loans are nonrecourse loans, CCC requires that sugar pledged as collateral for a price support loan must be free and clear of any an all liens. Accordingly, this rule would amend §§ 1435.9(c) and 1435.12(d) to provide that processors shall obtain and file in the county office, lien waivers to protect the interests of CCC.

List of Subjects in 7 CFR Part 1435

Loan programs—agriculture, Price support programs, Reporting and recordkeeping requirements, Sugar.

Accordingly, 7 CFR Part 1435 is revised as follows:

PART 1435—SUGAR

Subpart—Price Support Loan Program for the 1991 and Subsequent Crops of Sugar Beets and Sugarcane

Sec.

Sec.

Subpart—Regulations Governing the Protection of Sugar Producers

Subpart—Price Support Loan Program for the 1991 and Subsequent Crops of Sugar Beets and Sugarcane

Authority: 7 U.S.C. 1421, 1423, 1446g; 15 U.S.C. 714b and 714c.

§ 1435.1 Applicability.

(a) The regulations in this subpart are applicable to the 1991 and subsequent crops of sugar beets and sugarcane. These regulations set forth the terms and conditions under which price support loans shall be entered into by the Commodity Credit Corporation ("CCC") with eligible processors. Additional terms and conditions are set forth in the loan application and note and security agreement which must be executed by a processor in order to receive such a loan.

(b) Price support loan rates which are used in administering the price support program for a crop of sugar beets or sugarcane are available in State and county Agricultural Stabilization and Conservation Service ("ASCS") offices ("State and county offices", respectively).

(c) Price support loans shall be available as provided in this part with regard to sugar beets and sugarcane produced in the United States.

§ 1435.2 Administration.

(a) The price support program which is applicable to a crop of sugar beets or sugarcane shall be administered under the general supervision of the Administrator, ASCS, and shall be carried out in the field by State and county Agricultural Stabilization and Conservation committees ("State and county committees", respectively).

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations of this part.

(c) The State committee shall take any action required by these regulations which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, an action taken by such county committee which is not in accordance with the regulations of this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with the regulations of this part.

(d) No provision or delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, or the Administrator, ASCS, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(e) The Deputy Administrator, State and County Operations, ASCS, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements does not affect adversely the operation of the price support program.

(f) A representative of CCC may execute price support loans and related documents only under the terms and conditions determined and announced by CCC. Any such document which is not executed in accordance with such terms and conditions, including any purported execution prior to the date authorized by CCC, shall be null and void.

§ 1435.3 Definitions.

The definitions set forth in this section shall be applicable for all purposes of program administration. The terms defined in parts 719 and 1413 of this title shall also be applicable.

Crop year means the period from July 1 through June 30, inclusive. In referring to the crop year for a particular crop, the crop year begins on July 1 of the year of that crop. For example, the crop year for the 1991 crop begins on July 1, 1991 and is referred to as the "1991 crop year". "1991 crop" means sugar processed from domestically-produced sugar beets or sugarcane during the 1991 crop year.

Eligible producer means the owner of a portion or all of the domestically produced sugar beets or sugarcane, including share rent landowners, at both the time of harvest and the time of delivery to the processor, except producers determined to be ineligible as a result of the regulations governing highly erodible land and wetland conservation found at 7 CFR part 12 or the regulations governing controlled substances violations at 7 CFR part 796.

Eligible storage means a storage facility meeting the requirements set forth in § 1435.9(d) of this subpart.

Normal juice means the undiluted juice extractable from sugarcane by a mill tandem when no maceration water is added during the milling process.

Normal juice purity means a percentage expressing the ratio of the quantity of sucrose to the quantity of dissolved solids in normal juice.

Normal juice sucrose means the percentage of sucrose in normal juice.

Processor means a person or legal entity that either commercially processes sugar beets into refined sugar or processes sugarcane into raw sugar, cane syrup, or edible molasses or is a cooperatively-owned refiner of raw cane sugar which markets refined cane sugar and raw cane sugar on behalf of its members and non-member patrons who are eligible producers.

Raw value of any quantity of sugar means its equivalent in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope.

Secretary means the Secretary of Agriculture or an official who has been designated to act on behalf of the Secretary.

Sugar means refined beet sugar, refined cane sugar, raw cane sugar, sugarcane syrup, or edible molasses which:

(1) Is processed by a processor from domestically-produced sugar beets or sugarcane, and

(2) Meets the quality requirements set forth in § 1435.9(b) of this subpart.

Sugar beets of average quality and *Sugarcane of average quality* means sugar beets and sugarcane containing a percentage of sucrose as set forth in notices published in the Federal Register for the applicable crop year.

§ 1435.4 Method of support and loan rates.

(a) Price support to eligible producers of the 1991 through 1995 crops of sugar beets and sugarcane processed during the applicable crop year is available through nonrecourse loans to eligible processors.

(b) The basic (weighted average) loan rates for the 1991 through 1995 crops of domestically grown:

(1) Sugarcane shall be 18 cents per pound for raw cane sugar.

(2) Sugar beets shall be an amount determined and announced by CCC which:

(i) Bears the same relation to the support level for the crop of sugarcane as the weighted average of producer

returns for sugar beets bears to the weighted average of producer returns for sugar cane, expressed on a cents per pound basis for refined beet sugar and raw cane sugar, for the most recent 5-year period for which data are available; plus

(ii) Covers sugar beet processor fixed marketing expenses.

(c) The 1991 through 1995 crop loan rates applicable to eligible sugar shall be adjusted to reflect the processing location of the sugar offered as collateral for a price support loan and are available from State offices.

§ 1435.5 Eligibility requirements.

(a)(1) The maximum quantity of sugar which is eligible to be pledged as collateral for price support loans by an eligible processor is that quantity of domestically-produced sugar which is equivalent to the quantity of sugar processed by the processor during the applicable crop year from sugar beets and sugarcane grown by eligible producers. Such sugar must be processed and owned by the eligible processor or jointly owned by the eligible processor and eligible producer, pledging the sugar as collateral for loan and must be in eligible storage.

(2) For purposes of this paragraph and § 1435.7 of this subpart, sugar that is processed after June 30 of a particular crop year, but before October 1 of the subsequent crop year, from sugar beets harvested during a continuous harvest which began during the particular crop year, shall be considered as having been processed during that particular crop year.

(b) Eligible processors are those processors who, as a condition of obtaining a CCC price support loan, agree to pay to all eligible producers who have delivered or will deliver to such processor for processing sugar beets or sugarcane not less than the minimum price support levels specified by CCC for the applicable crop year.

§ 1435.6 Availability, disbursement, and maturity of loans.

(a)(1) To obtain price support on eligible sugar, an eligible processor:

(i) Must file a request for a price support loan, as prescribed by CCC, with the State committee of the State where such processor is headquartered or a county committee designated by the State committee; and

(ii) Must execute a note and security agreement and storage agreement as prescribed by CCC.

(2) The request for price support:

(i) May be filed no earlier than October 1 and must be filed no later than June 30 of the applicable crop year, and

(ii) May include a quantity of sugar which the processor estimates will be processed after that crop year but will be considered as having been processed during that crop year in accordance with the provisions of § 1435.5(a) of this subpart.

(3) No loan proceeds may be disbursed for such sugar until it has actually been processed and is otherwise established as being eligible to be pledged as loan collateral.

(b) A processor may, within the loan availability period, repledge to CCC as collateral eligible sugar that has previously served as loan collateral for a price support loan that has been repaid.

(1) In making application for such loan, the processor shall:

(i) Specify that the loan collateral should be treated as a quantity of eligible sugar that has previously served as loan collateral for a price support loan which has been repaid.

(ii) Designate the original price support loan with respect to which the reoffered loan collateral was originally pledged.

(2) The maturity date of the subsequent loan shall be determined in accordance with paragraph (d) of this section.

(3) Loan collateral repledged that has been previously redeemed from CCC shall not be included in determining the total cumulative quantity of sugar on which loans have been obtained for purposes of § 1435.7 of this subpart.

(c) Disbursement will be made by means of checks drawn on the account of CCC.

(1) Disbursements shall be made without regard to the actual polarity of the sugar pledged as collateral for the price support loan but shall be made on the assumption that the polarity of such sugar is 96 degrees by the polariscope.

(2) Adjustments for polarity will be made at the time of the settlement of the loan.

(d) Unless CCC and the processor agree otherwise, loans will mature on the last day of the ninth month following the month in which the loan is disbursed, but in no event later than September 30 following disbursement of the loan.

(1) Loan maturity dates may be accelerated by CCC in accordance with § 1435.8(b)(3) of this subpart.

(2) CCC and the processor may agree upon an earlier or later maturity date but in no event later than September 30 following disbursement of the loan, if such maturity date will not impair the effectiveness of the price support program, as determined by CCC.

(e)(1) Notwithstanding any other provision of this part, in areas where CCC determines that sugar beets normally are harvested during July, August, and September a processor may:

(i) Obtain a loan with respect to sugar processed from such production, and

(ii) If such loan is repaid by September 30, request a supplemental nonrecourse loan.

(2) Such supplemental loan:

(i) May be requested by the processor on the first day of October following the month the initial loan made in accordance with paragraph (e)(1) of this section was repaid;

(ii) Shall be at the same loan rate as the loan made in accordance with paragraph (a) of this section; and

(iii) Shall mature on the last day of the ninth month following the month in which the supplemental loan was disbursed, minus the number of months the initial loan made in accordance with paragraph (a) of this section was in effect.

§ 1435.7 Quantity eligible for loan.

(a) Price support loans shall not be approved for more than the quantity of sugar which an eligible processor certifies is eligible and available to be pledged as collateral for a loan.

(b) Sugar pledged as collateral for a loan is not required to be stored identity-preserved.

(c) The total cumulative quantity of sugar that may be pledged as collateral for a price support loan may not exceed the maximum quantity of sugar eligible to be pledged as loan collateral as determined in § 1435.5(a) of this subpart.

(d) The total quantity of sugar which a processor may pledge as collateral for a loan at any single time may not exceed:

(1) The total eligible storage capacity less ineligible sugar in storage; or

(2) The quantity of eligible sugar processed during the applicable crop year, whichever is less.

§ 1435.8 Loan maintenance and liquidation.

(a) A processor shall maintain in eligible storage eligible sugar of sufficient quality and quantity to satisfy the processor's loan indebtedness to CCC.

(1) By executing a Marketing Authorization for Loan Collateral (Form CCC–681–1), the processor may request and obtain prior written approval of the loanmaking office to remove a specified quantity of the loan collateral for the purpose of delivering it to a buyer prior to repayment of the loan.

(2) The loanmaking office shall not approve such a request unless the buyer of the sugar agrees to pay to CCC an amount necessary to satisfy the processor's loan indebtedness with respect to the sugar which has been purchased. Any such approval shall not:

(i) Constitute a release of CCC's security interest in the sugar, or

(ii) Relieve the processor of liability for the full amount of the loan indebtedness, including interest.

(b)(1) At the processor's option, a processor may, at any time prior to maturity of the loan, redeem all or any part of the loan collateral by paying to CCC the principal amount of the loan, plus interest, applicable to the quantity of sugar redeemed.

(2)(i) If a processor desires to forfeit all or any part of the loan collateral to CCC, the processor must notify in writing the appropriate loanmaking office of the processor's intent to forfeit the loan collateral and the amount of loan collateral which the processor intends to forfeit. Such notice must be delivered to the loanmaking office no later than 30 days prior to the maturity date of the loan. CCC shall not accept delivery of sugar in settlement of a price support loan in excess of the amount specified in the notice of intent to forfeit.

(ii) Notwithstanding the fact that the processor has given notice of intent to forfeit, the processor may, at any time prior to maturity of the loan, redeem the loan collateral in accordance with paragraph (b)(1) of this section.

(iii) If the processor does not redeem any amount of the loan collateral with respect to which a notice of intent to forfeit has been properly given, the unredeemed loan collateral will, without further action by CCC or the processor, be deemed to have been delivered to CCC in-store at the processor's storage facility on the day following the maturity date of the loan.

(A) Upon delivery, title and all rights and interest with respect to the sugar shall immediately vest in CCC.

(B) Delivery of eligible sugar in eligible storage will be accepted as payment in full of the principal amount of the loan, plus interest, applicable to the quantity of sugar delivered.

(3) CCC may at any time accelerate the date for repayment of the loan indebtedness, including interest. CCC will give the processor notice of such acceleration at least 15 days in advance of the accelerated loan maturity date. In the event of any such acceleration, the processor may elect to redeem or forfeit all or any part of the loan collateral in accordance with the provisions of paragraphs (b) (1) and (2) of this section. The required notice of intent to forfeit, as set forth in paragraph (b)(2)(i) of this section, may be given at any time prior to the accelerated maturity date.

(4) If the loan indebtedness, including interest, is not satisfied in accordance with the provisions of this section, CCC may, upon notice, with or without removing the collateral from storage, sell such collateral at either a public or private sale. CCC may become the purchaser. If the net proceeds are less than the amount due on the loan, the processor shall be liable to CCC for the difference.

(5) The processor shall at all times be responsible for maintaining the quality and quantity of the loan collateral.

(c) Storage costs through the loan maturity date shall be borne by the borrower.

(d) If CCC determines, by actual measurement or otherwise, that the actual quantity serving as collateral for a price support loan is less than the loan quantity, because of incorrect certification, unauthorized removal, or unauthorized disposition, CCC may call the loan. Such determination shall result in the processor being deemed ineligible for price support through at least the crop year after the crop year in which the incorrect certification, unauthorized removal, or unauthorized disposition was discovered.

§ 1435.9 Delivery to CCC, quality, and storage facility requirements.

(a) The quantity of sugar which a processor may deliver to CCC in settlement of the loan shall not exceed the quantity of sugar which is shown on the note and security agreement approved by CCC minus any quantity that was redeemed or released for removal in accordance with § 1435.8.

(b) In order to be eligible to be delivered to CCC, sugar must meet the following minimum quality requirements:

(1) Refined beet or cane sugar must be:

(i) Dry and free flowing;

(ii) Free of excessive sediment; and

(iii) Free of any objectionable color, flavor, odor, or other characteristic which would impair the merchantability of such sugar or which would impair or prevent the use of such sugar for normal commercial purposes.

(2) Raw cane sugar must be:

(i) Of reasonable grain size;

(ii) Free from excessive color or moisture; and

(iii) Free from any objectionable color, flavor, odor, or other characteristic which would impair the merchantability of such sugar or which would impair or prevent the use of such sugar for normal commercial purposes.

(3) Sugarcane syrup or edible molasses must be free from any objectionable color, flavor, odor, or other characteristic which would impair or prevent the use of such sugar for normal commercial purposes.

(4) Any type of sugar delivered to CCC must be free of any contamination by either natural or manmade substances and must not contain chemicals or other substances which are poisonous or harmful to humans or animals.

(c) All sugar which is delivered to CCC must be free and clear of any liens, mortgages, or other such encumbrances. The processor shall obtain lien waivers on a form prescribed by CCC from all producers who deliver sugar beets or sugar cane for processing to the processor.

(d) Sugar may only be delivered to CCC in eligible storage.

(1) Eligible storage is any storage facility which:

(i) Is owned or controlled by the processor;

(ii) Is suitable for the storage and loading out of the sugar being delivered to CCC by the processor;

(iii) Meets CCC Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils (7 CFR part 1423);

(iv) Is placed under a storage contract with CCC; and

(v) Consists of a storage structure which is determined by a representative of the county committee, or State committee if in a location not served by county committee, to afford safe storage of the sugar.

(2) If the sugar is delivered in or to an ineligible storage facility, the processor shall be responsible for all costs incurred in moving the sugar to an eligible storage facility.

(e) CCC shall, at any time, have the right to inspect the loan collateral and the storage facilities in which it is situated. The processor shall also furnish to CCC such production records as CCC considers necessary to verify compliance with the quantitative limitations set forth in §§ 1435.5 and 1435.7 of this subpart.

(f) Regardless of whether CCC inspected the sugar and storage facility prior to delivery, the processor shall be liable to CCC for any damages suffered by CCC if:

(1) The processor delivers ineligible sugar to CCC; or

(2) The processor delivers sugar to CCC which is stored in ineligible storage.

§ 1435.10 Processor storage agreement.

(a) By executing a note and security agreement, the processor agrees to store any loan collateral sugar that is forfeited to CCC on behalf of CCC under the terms and conditions specified in this subpart and any storage agreement entered into between CCC and the processor. Should the terms of the storage agreement and the terms of these regulations conflict, the terms set forth in the regulations shall be applicable.

(b) The processor shall at all times be responsible for maintaining the quality and condition of the CCC-owned sugar in storage. The processor shall also be liable to CCC for any damages suffered by CCC due to the failure of the processor to load out sugar meeting the eligibility criteria set forth in § 1435.9(b) of this subpart.

(c) After delivery of the sugar to CCC, the processor shall store sugar delivered to CCC in the eligible storage where delivered for as long as deemed necessary by CCC after delivery of the sugar to CCC. However, if a sugar beet processor requires the storage space for other sugar during the period, the processor is required by CCC to maintain the refined beet sugar delivered to CCC in settlement of the loan in the storage where delivered, CCC will accept bagged sugar from the then current crop in substitution for the delivered bulk sugar if the sugar loan rate for the area where the bagged sugar is stored is equal to or exceeds the loan rate for the delivered bulk sugar.

(d) The processor shall remove and physically deliver the forfeited loan collateral in accordance with written instructions from CCC. All load out expenses shall be for the account of the processor.

(e) CCC shall make monthly storage payments to the processor for the period of time the processor stores the forfeited sugar for CCC. The storage payrnent rate shall be as agreed upon by CCC and the processor.

§ 1435.11 Fees, charges, interest, and bonding.

(a) A processor shall pay to CCC a loan service fee in connection with the disbursement of each loan. The amount of the service fee shall be determined and announced by the Executive Vice President, CCC, or the Executive Vice President's designee.

(b) Interest which accrues with respect to a loan shall be determined in accordance with part 1405 of this chapter.

(c) Except as provided in paragraph (c)(2) of this section, a processor making application for a sugar loan in accordance with § 1435.6 of this subpart shall post a bond or other financial assurance acceptable to CCC, that is payable to CCC in the event that the processor does not pay the producers of sugar beets or sugarcane the maximum benefits under the sugar price support program. Posting of the bond or other financial assurance shall be required prior to disbursement of any loan proceeds.

(1) The bond or other financial assurance must provide protection for an amount equal to the applicable regional support level for sugar beets or sugarcane, as applicable, times 10 percent of the total annual quantity of sugar beets or sugarcane, respectively, delivered to the processor by producers for processing in the previous year or, in the event such quantity cannot be determined, the quantity estimated by CCC that will be delivered to the processor for that crop.

(2) CCC and a processor may agree upon an alternative method of obtaining adequate financial assurance if CCC determines that such alternative method will result in adequate protection for CCC and the producer.

§ 1435.12 Miscellaneous provisions.

(a) CCC will not require the processor to insure the sugar pledged as collateral. However, if the processor insures such sugar and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the processor's equity in the sugar involved in the loss.

(b) The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this subpart through any scheme or device whatsoever.

(c) The regulations issued by the Secretary governing setoffs and withholding set forth at parts 3 and 1403 of this title, shall be applicable to the program set forth in this subpart.

(d) If there are any liens or encumbrances on sugar pledged as collateral for a price support loan, waivers that fully protect the interest of CCC must be obtained by the processor even though the liens or encumbrances are satisfied from the loan proceeds. No additional liens or encumbrances shall be placed on the sugar after the loan is approved.

(e) A producer or processor may obtain reconsideration and review of determinations made under this subpart in accordance with the regulations at 7 CFR part 780.

(f)(1) CCC, the Office of the Inspector General, USDA, and the Comptroller General of the United States shall have the right to have access to the premises of the processor in order to inspect, examine, and make copies of the books, records, accounts, and other written data as are deemed necessary by the examining agency to verify compliance with the requirements of this subpart. Such books, records, accounts, and other written data shall be retained by the processor for not less than three years from the loan disbursement date.

(2) Any processor obtaining price support on eligible sugar must, upon the request of CCC, provide to CCC such information as CCC deems appropriate concerning freight and related shipping costs for the processor's most recent complete marketing year. By obtaining price support, processors are deemed to have agreed to provide such information when requested by CCC.

(g) Any false certification, including those made for the purpose of enabling a processor to obtain a price support loan to which it is not entitled, will subject the person making such certification to liability under applicable federal civil and criminal statutes.

(h) In order to avoid unreasonable administrative costs incurred in making small payments and handling small accounts, amounts of $9.99 or less which are due to a processor will be paid only upon the processor's request. Deficiencies of $9.99 or less, including interest, may be disregarded unless demand for payment is made by CCC.

(i) In case of death, incompetency, or disappearance of any processor who is entitled to the payment of any sum in settlement of a loan, payment shall, upon proper application to the State committee, be made to the persons who would be entitled to such processor's payment under the regulations contained in 7 CFR Part 707—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1435.13 Applicable forms.

The CCC forms for use in connection with this program will be available from the appropriate State committee or designated county committee. For any CCC form that refers to program participation by producers, the term "producer" shall mean "processor" when such form is used for participation in the sugar loan program.

Subpart—Regulations Governing the Protection of Sugar Producers

Authority: 5 U.S.C. 301; 7 U.S.C. 1421(e)(2); 15 U.S.C. 714b and 714c.

§ 1435.100 General statement.

If the bankruptcy or other insolvency of a processor has caused producers of

sugar beets or sugarcane not to receive maximum benefits from the price support program for sugar beets or sugarcane within 30 days after the final settlement date provided for in the contract between such producers and processor, CCC, on demand of the producers and on such assurances as to nonpayment as CCC may require, shall pay such producers benefit payments.

§ 1435.101 Definitions.

The following definitions apply to terms used in this subpart:

ASCS means the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

Benefit payment(s) means an amount to be paid to eligible producers equal to the difference between the specified price support level for the applicable crop of sugar beets or sugarcane, after all applicable adjustments, and any benefits previously received by the producers with respect to such crop of sugar beets and sugarcane.

CCC means the Commodity Credit Corporation, United States Department of Agriculture.

§ 1435.102 Producer eligibility.

(a) A producer of sugar beets or sugarcane shall be considered to be eligible for benefit payments only:

(1) For that quantity of domestically-produced sugar beets or sugarcane sold under contract to a processor who was a participant in the price support program for sugarcane or sugar beets for the applicable crop;

(2) If the contract with the processor provided for a final settlement date after January 1, 1985;

(3) If the processor failed to make payment within 30 days after the final settlement date due to bankruptcy or other insolvency; and

(4) If the producer was an eligible producer for purposes of the price support program for the applicable crop of sugar beets or sugarcane.

(b) CCC may require as a condition of payment such documentation or other proof of the producer's eligibility, the processor's nonpayment, or other element of the benefit payment as CCC determines appropriate.

§ 1435.103 Benefit payment to producers.

(a) A producer must request a benefit payment from CCC at the producer's local county ASCS office, unless otherwise determined by CCC, in a manner and on a form prescribed by CCC.

(b) A producer must request a benefit payment no earlier than 30 days, and no later than 60 days, after the final settlement date provided for in the contract between the producer and the processor, unless otherwise approved by CCC.

(c) Benefit payments will be made by checks drawn on CCC, by credit to the producer's account, or by such other means as CCC determines appropriate.

§ 1435.104 Liens.

(a) In order to receive a benefit payment, a producer must certify to CCC whether there were any liens or encumbrances on the sugar beets or sugarcane that the producer sold to the applicable processor under the applicable contract as of the time of delivery of the sugar beets or sugarcane to the processor, or as of the time title to the sugar beets or sugarcane transferred from the producer to the processor if title transferred at a time other than at the time of delivery to the processor. If there were any such liens or encumbrances, the producer must provide CCC with a certified list of all such liens or encumbrances together with the names and addresses of the holders of such liens or encumbrances and the amount held by each such holder.

(b) CCC will make all benefit payments jointly to the producer and the holders of such liens or encumbrances unless the producer provides CCC with a waiver of all such liens or encumbrances by each such holder or a certified statement by such holder that the liens or encumbrances have been extinguished. CCC may prescribe the form for such waivers or statements.

§ 1435.105 Subrogation of claims.

(a) A producer must execute an agreement with CCC, acceptable to CCC, subrogating to CCC all claims of that producer against the processor and other persons responsible for nonpayment. The amount subrogated to CCC must be equal to the amount of the producer's claims, up to the amount of the benefit payment plus any applicable interest or other charges. Any recoveries up to the amount subrogated which are received by that producer from any source whatsoever for the processor's nonpayment must be immediately forwarded to CCC. The producer shall cooperate with CCC in CCC's efforts to collect on the claims subrogated to CCC.

(b) A producer shall maintain the books and records pertaining to the benefit payments and the applicable contracts with the processor for a period of at least 3 years following the producer's demand for payment under this subpart. Authorized officials of the United States Department of Agriculture shall have access to, and right to examine, any pertinent books, documents, papers, and records of the producer.

Signed this 3rd day of June, 1991 in Washington, DC.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91–13517 Filed 6–10–91; 8:45 am]

BILLING CODE 3410–05–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[Docket No. PRM–73–9]

Nuclear Control Institute, et al., Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking submitted by Eldon V.C. Greenberg on behalf of the Nuclear Control Institute and the Committee to Bridge the Gap (PRM–73–9). The petitioners requested that the Commission revise its regulations to upgrade the design basis threat for radiological sabotage of nuclear power reactors. The petitioners believe that the design basis threat must be revised to include explosive-laden vehicles, such as truck and boat bombs, and to reflect the possibility of an attack by a larger number of attackers using more sophisticated weapons. The petition is denied based on a Commission determination that there has been no change in the domestic threat since the design basis threat was adopted that would justify a change in the design basis threat.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and the NRC's letter to the petitioner are available for public inspection or copying in the NRC Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Carl B. Sawyer, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–0366.

SUPPLEMENTARY INFORMATION:

V. NRC Staff Evaluation of the Petition
VI. Statement of Denial

I. The Petition

By letter dated January, 11, 1991, shortly before the commencement of Operation Desert Storm, Eldon V.C. Greenberg, on behalf of the Nuclear Control Institute and the Committee to Bridge the Gap, filed a petition for rulemaking with the NRC. The petition was docketed as PRM–73–9. The petitioners requested that the NRC revised its regulations in 10 CFR 73.1 to upgrade the design basis threat for radiological sabotage of nuclear power reactors. (Radiological sabotage refers to any deliberate act directed against nuclear material or a nuclear facility that could endanger the public health and safety by exposure to radiation.) The petitioners believe that the regulation must be revised to include explosive-laden vehicles, such as trucks and boats, and to reflect the possibility of attack by a large number of attackers using more sophisticated weapons.

The petitioners contend that the present design basis threat is not realistic in view of the claimed current trends in terrorism. The petitioners state that a successful terrorist attack could cause the release of radioactivity comparable to a severe nuclear accident, and result in significant health and safety consequences and property damage. The petitioners believe that the increased threats may be countered by measures which could be implemented for a modest cost but would protect against events with potentially castastrophic consequences.

The petition describes the Nuclear Control Institute as a non-profit corporation, that monitors nuclear programs in the United States and other countries, develops strategies to prevent and reverse the growth of nuclear armaments and explores strategies for reducing existing nuclear arsenals thereby helping to prevent nuclear proliferation and terrorism. The petition describes the Committee to Bridge the Gap as an organization concerned with nuclear safety and the threat of nuclear terrorism.

II. Petitioners' Basis for Request

The NRC has established regulations in 10 CFR part 73 governing the physical protection of plants and materials. These regulations include measures related to the protection of nuclear facilities against radiological sabotage. Section 73.1, among other things, establishes the design basis threat to be used to design safeguards systems to protect nuclear power reactors against acts of radiological sabotage.

The petitioners state that § 73.1, as interpreted by the Commission, does not require nuclear reactor licensees to protect against radiological sabotage attempts by a group or an individual using weapons of greater sophistication than hand-held automatic weapons or explosives, thereby excluding an attack by explosive-laden vehicles, or more than several external attackers, or attackers operating as more than one team and employing team maneuvering tactics.

The petitioners believe that terrorist incidents which have occurred since the design basis threat was adopted demonstate the ability and willingness of terrorists to mount sophisticated attacks capable of causing substantial physical destruction, particularly through the use of truck bombs. Because of the Persian Gulf crisis, the growth of State-sponsored terrorism, and changes in terrorists tactics, the petitioners believe that current regulatory standards do not provide a realistic or sufficient guarantee of public health and safety or common defense and security.

The petitioners state that the terrorist threat has become bloodier, more sophisticated and better armed, and frequently State-supported. As a result, the petitioners believe that the possibility of nuclear terrorism, resulting in a substantial number of casualties, is far more likely today than it was in 1979, when current regulations were promulgated.

The petitioners believe that it is essential to upgrade the design basis threat to protect against vehicle bomb attacks which they believe pose a grave threat to civilian nuclear power plants. The petitioners cite the devastating effects of the truck bomb attacks in Beirut in 1983. The petitioners state that studies have indicated the vulnerability of licensed power reactors to attack by explosive-laden vehicles and the potentally devastating consequences of such an attack.

The petitioners believe that it is essential to change the design basis threat to anticipate attacks by more sophisticated, larger, and better-armed groups. The petitioners state that there are two components to this threat: (1) A larger number of attackers with the capability to act in several coordinated teams; and (2) heavier firepower. The petitioners cite documented large group attacks on nuclear facilities in Latin America and Europe and the widespread availability of advanced weaponry as indications that the current design basis threat is no longer realistic.

III. Requested Regulatory Action

The petitioners requested that the design basis threat for radiological sabotage contained in 10 CFR 73.1(a)(1)(i) be amended to read as set forth below. Note that text to be added is set off by arrows and text to be removed is set off in brackets.

Section 73.1 Purpose and Scope

(a) * * *

"(1) *Radiological sabotage.* (i) A determined violent external assault, attack by stealth, or deceptive actions of several ►up to twenty◄ persons ►operating as two or more teams◄ with the following attributes, assistance, and equipment: (A) Well-trained (including military training and skills) and dedicated individuals, (B) inside assistance which may include a knowledgeable individual who attempts to participate in a passive role (e.g. provide information), as active role (e.g. facilitate entrance and exit, disable alarms and communications, participate in violent attack), or both, (C) suitable weapons [, up to and including hand-held automatic weapons, equipped with silencers and] having effective long range accuracy, (D) [hand-carried] equipment, including incapacitating agents and explosives for use as tools of entry or for otherwise destroying reactor, facility, transporter, or container integrity or features fo the safeguards system, ►in quantities transportable by vehicle◄, and"

* * * * *

The petitioners requested that the NRC take other actions necessary to ensure that the specific protective measures contained in 10 CFR part 73 are sufficient to respond to the increased design basis threat and provide the high assurance required under § 73.55(a) that the threat of sabotage will be effectively countered.

Because the petitioners believe that the suggested amendments are vitally important to reduce risks to the public health and safety and the common defense and security, the petitioners requested that the Commission make a determination on the petition within 30 days from the date of receipt and that it proceed immediately to promulgate a final rule, without issuing a proposed rule, that would adopt the requested amendments.

The Commission evaluated the petitioners' request for expedited action. The Commission determined that the petition should be processed in accordance with its standard procedures for processing a petition for rulemaking in § 2.802(e), but expedited by limiting

the comment period to 30 days. That determination was contained in the "Notice of receipt of petition for rulemaking" that was published in the **Federal Register** on January 29, 1991 (56 FR 3229). Interested persons were invited to submit written comments or suggestions concerning the petition by February 28, 1991.

IV. Public Comments on the Petition

As of March 15, 1991, the NRC had docketed 35 letters of comment: 11 from individuals, 3 from public interest groups, and the remaining 21 from industry or industrial representative organizations. In addition the NRC received three letters from Congressmen. While the comments were carefully considered by the NRC, none contained significant new information which would warrant a change in the design basis threat. In the summary that follows, the views presented are those of the commenters.

A. Comments Opposing the Petition

Twenty-one commenters opposed the petition. The main reasons cited by these commenters in support of the current regulations were:

1. The NRC staff, in concert with the intelligence community and other Federal agencies, continually monitors world events for potential threats associated with commercial nuclear facilities. These agencies have unique access to information, including sensitive or classified information not normally available to the general public.

2. Nuclear power plant licensees are in close communication with local law enforcement agencies and the NRC to ensure that any security threat in local areas is promptly identified and communicated. The response to the current Middle East situation should have (and has) heightened awareness and sensitivity on the part of licensee personnel and Federal, State, and local law enforcement officers.

3. Nuclear power plant licensees have established detailed security measures, as required by the NRC in 10 CFR 73.55 (b) through (h), to counter the design basis threat. These measures include:

—Physical protection barriers and illuminated isolation zones;
—Surveillance and patrols of the perimeter fence;
—Intrusion detection aids and alarm devices;
—A tactical reaction force;
—Bullet-resistant barriers for critical areas;
—A well trained guard force capable of carrying out the provisions of an NRC-approved security plan;
—Access controls for personnel and vehicles, with searches and positive identification; and
—Capability to execute safeguards contingency plans for dealing with threats, including truck bomb threats.

In addition, nuclear power plant licensees also have established detailed security related personnel programs, which include:

—Background investigations with FBI criminal history checks;
—Psychological testing;
—Drug and alcohol fitness for duty determinations; and
—Special supervisory training for behavioral observation.

Also, through the NRC's regulatory effectiveness review program, individual power reactor sites are evaluated for security vulnerabilities and their ability to counter the design basis threat.

4. Nuclear power plant design is based on the defense in depth philosophy in providing adequate public protection. Massive containment structures, thick wall piping and equipment with redundant safety and shut-down systems are constructed to permit the facility to withstand the impact of earthquakes, hurricanes, tornados, floods, and airplane crashes. Detailed training and plant-specific simulators provide added assurance. Emergency planning and public notification systems add yet another layer of capability designed to protect the public health and safety. The approved plans are periodically evaluated during exercises.

5. The petitioners have not presented any new information related to the current situation; they have simply restated old opinions, none of which provides a basis for altering the design basis threat in this country.

6. Several of the commenters opposing the petition took issue with the petitioners' view that the protection measures proposed by the petitioners could be put into place at modest cost. One commenter, a power reactor licensee, estimated the cost at $1 million to $3 million per year at his facility.

B. Comments Supporting the Petition

Seventeen letters supported the petition. These letters are summarized as follows:

1. The most common concern stemmed from the Middle East situation that existed during the public comment period (the comment period lasted from January 29 until February 28, 1991). These commenters pointed out that Iraq had issued a "terrorist call to arms;" that the U.S. military had attacked Iraqi reactors, and thereby legitimized U.S. reactors as terrorist targets; that informed and respected Americans have warned of possible terrorist attack within the U.S.; and that terrorist action might reasonably include reprisals against U.S. reactors.

2. Another common theme was rejection of the NRC view that the design basis threat currently set forth in NRC regulations continues to be adequate. These commenters argue that events in the Middle East are a sufficient basis for escalating the design basis threat to the levels called for in the petition.

3. Several commenters believe that power reactors are vulnerable to radiological sabotage; specifically, barriers may be easily breached and vital systems may be sabotaged.

4. Some commenters put forth the following cost argument: The consequence (and hence the cost) of successful radiological sabotage of a reactor is high in the extreme while the cost of protection is relatively modest. It is therefore prudent for the NRC to require the measures recommended by the petitioners.

5. One commenters put forward the argument that barriers are already in place to protect reactors in Europe and Japan and the conclusion that only minor structural modifications would be needed to protect U.S. reactors against truck bombs.

6. One commenter suggested that the primary threat to security is deranged persons who might use trucks or suicidal air attack. The commenter concluded that upgrading reactor protection along the lines of the petition seems cost effective.

The above concerns raised by the commenters are addressed in the NRC staff evaluation of the petition (section V of this **Federal Register** notice).

V. NRC Staff Evaluation of the Petition

The NRC staff believes that a decision on the petition can be based on response to a single pivotal issue: Has the threat of radiological sabotage of domestic nuclear reactors changed to an extent that justifies a need to upgrade the current design basis threat? The petitioners believe that the threat to domestic nuclear reactors has intensified in two ways: (1) The possible use of large truck bombs or boat bombs to cause radiological sabotage, and (2) the possible use of a larger number of attackers armed with heavier weapons.

The nature of terrorism was the subject of detailed analysis before the NRC published its design basis threat (§ 73.1), and it continues to remain the focus of staff review. NRC efforts in

creating the design basis threat and the actions taken by the NRC since the publication of § 73.1 to assure its continuing validity remain a key component in the NRC safeguards program.

Thousands of acts of terrorist violence worldwide, ranging from simple attacks on property to the sophisticated, deadly bombing of civil airlines, are examined and analyzed by the NRC. The NRC uses a wide variety of information, ranging from that reported directly from the scene of the incident to that included in a finished analysis provided by the intelligence community. Throughout this ongoing daily analysis, the staff focuses its effort on reviewing realistic, not hypothetical, adversary characteristics, including weaponry, group size, tactics, explosives, and targets. The NRC then compares what has occurred or is credible to the attributes enumerated in the design basis theat.

With respect to truck and boat bombs of the size estimated in NRC studies as being capable of causing significant damage to domestic power reactors, the NRC staff notes the following:

—There has been one such truck bomb in the U.S. (Math Lab, Wisconsin, 1970).
—There have been no others in the Western Hemisphere.
—There have been no others outside of an area of civil unrest.
—There have been none directed against a nuclear activity worldwide.
—There have been no boat bombs directed at any activity, nuclear or otherwise, worldwide.
—Contingency planning to protect against truck bombs has been completed for all domestic power reactors.

Based on the foregoing facts, on discussions with appropriate elements of the Executive Branch, and on NRC's independent assessment of the domestic threat environment, the NRC concludes that the likelihood of nuclear terrorism involving the use of large truck bombs against nuclear power reactors in the United States is extremely low, that a change in the design basis threat for radiological sabotage is unwarranted, and that contingency planning is sufficient.

The NRC reviewed issues related to the waterborne vehicle bomb in 1989 and concluded that no action was required at that time. The NRC has recently reviewed these issues again and concluded that there have been no significant changes. These conclusions are based, in part, on a review of worldwide terrorist events, where the threat of waterborne vehicle bomb attack against a power reactor was found to be much less likely than the threat of a land vehicle bomb, which itself was only a remote possibility. Accordingly, there is little basis for further considering the waterborne bomb threat at this time.

The petitioners also believe it is important to upgrade the design basis threat to anticipate attacks by more sophisticated, larger and better-armed groups; specifically (1) a larger number of attackers with the capability to act in several coordinated teams, and (2) heavier firepower.

The NRC is aware that, as described by the petitioners, larger terrorist groups with heavier firepower than contemplated in the current design basis threat have carried out operations in foreign countries. The NRC is also aware of one incident described by the petitioners involving three coordinated, near simultaneous acts of sabotage on unprotected power transmission lines serving, but some miles from, the Arizona Nuclear Power Project, Palo Verde Units 1, 2, and 3. The acts constituted no threat to the safe operation or safe shutdown of the reactors. No violence was involved against the reactors or reactor sites. The most recent of the above events is almost five years old at the time of this writing. They have been considered at length and evaluated by the NRC. The terrorist actions in foreign countries and the transmission line sabotage events are remote, both spatially and by the nature of the events, from constituting a direct peril to a domestic power reactor. The NRC continues to believe that, to date, there has been no significant change in weaponry, group size, state sponsorship, or targeting that warrants a modification of the design basis threat requirements for NRC licensed nuclear power reactors.

The following discussion presents a detailed NRC analysis and response to the significant excerpts from the petition.

1. *Excerpt.* * * * nuclear reactors need not protect against radiological sabotage attempts by (i) a group or individual using weapons of greater sophistication than hand-held automatic weapons or explosives, thus excluding attack by explosives-laden vehicles, or (ii) more than three (3) external attackers or attackers capable of operating as more than one term, *i.e.*, capable of employing "effective team maneuvering tactics. (p. 4) [1]

Response. It is important to remember that the current design basis threat for power reactors is a hypothetical threat statement. The statement is set forth in the regulations in positive rather than negative terms and is given in § 73.1(a)(1) as follows: "(1) *Radiological sabotage.* (i) A determined violent external assault, attack by stealth, or deceptive actions, of several persons with the following attributes, assistance and equipment: (A) Well-trained (including military training and skills) and dedicated individuals, (B) inside assistance which may include a knowledgeable individual who attempts to participate in a passive role (e.g., provide information), an active role (e.g., facilitate entrance and exit, disable alarms and communications, participate in violent attack), or both, (C) suitable weapons, up to and including hand-held automatic weapons, equipped with silencers and having effective long range accuracy, (D) hand-carried equipment, including incapacitating agents and explosives for use as tools of entry or for otherwise destroying reactor, facility, transporter, or container integrity or features of the safeguards system, and (ii) an internal threat of an insider, including an employee (in any position)."

When the design basis threat was developed, there was no credible threat targeting power reactor in this country. The NRC believes that this continues to be the case, notwithstanding the statements made in the petition and suggested by some commenters. In particular, although changes are occurring worldwide, the NRC has not detected, to date, any significant change to the threat environment, including weaponry, group size, state-sponsorship, or targeting, that warrants a modification of the design basis threat for NRC licensed nuclear facilities and materials. Although the adequacy of the design basis threat was questioned in the petition and by some commenters, the safeguards system developed from the current design basis threat is deemed adequate and appropriate by the Commission. This system includes a physical security organization, physical barriers, access controls, detection aids, communications, testing and maintenance provisions, response provisions, armed responses and provisions for offsite law enforcement response. It is important to note that the effectiveness of this system is not limited to the design basis threat. In particular, in the face of a threat greater than the design basis threat the system would not collapse, but would continue to provide a level of protection that may well be adequate. In addition, power reactors are required to have contingency plans to address the truck bomb threat. Should the domestic threat environment change significantly, NRC intelligence specialists, in coordination with other government entities, would propose appropriate changes to the

[1] Petition page number containing the excerpt.

design basis threat based upon the specifics of the threat environment.

2. *Excerpts.* This immediate threat [Iraq situation], with the growth of State-sponsored terrorism and changes in terrorist tactics, indicates that the current regulatory standards, which exclude the truck bomb threat and sophisticated, large group attacks supported by substantial firepower, are neither realistic nor a sufficient guarantor of the public health and safety and the common defense and security under the Act. (p. 5)

Since the adoption of the Commission's current standards for protection against radiological sabotage of nuclear reactors, the terrorist threat has changed in three important ways: it is bloodier; it is more sophisticated and better-armed; and it is oftern State-sponsored. Because the nature of the threat has changed, it is incumbent on the Commission to revise its regulations to meet the potentially more severe challenges of the 1990s. (p. 6)

Response. The nature of terrorism was the subject of detailed analysis preceding publication of the NRC design basis threat and remains the focus of continuing staff review. NRC efforts in creating the design basis threat requirements, and actions since their publication to assure their continuing validity, remain key components in the NRC safeguards program.

Thousands of acts of terrorist violence worldwide, ranging from simple attacks on property to the sophisticated and deadly bombing of civil airlines, are examined and analyzed. The NRC uses a wide variety of information that is either reported directly from the scene of the incident or included in a finished analysis provided by the intelligence community. Throughout this ongoing daily analysis, the NRC focuses its effort on reviewing realistic, not hypothetical, adversary characteristics—including weaponry, group size, tactics, explosives, and targets—and compares the events that have occurred or information that is credible to the attributes enumerated in the design basis threat statements.

On occasion, NRC effort focuses on a particular facet of terrorism or on information that suggests a trend may be developing. For example, the use of vehicle bombs in Lebanon, as discussed below, was closely examined. Similarly, the use of hang gliders, boats, the degree of sophistication exhibited, and state sponsorship have and continue to merit close examination.

The NRC's purpose is not to catalog every demonstrated or hypothetical terrorist attribute for subsequent inclusion in the design basis threat statements. NRC staff experience, analysis and judgment, as well as the views of other Federal agencies, are applied in the threat assessment process. In its continuing review, the NRC considers demonstrated attributes to determine whether or not they exceed current safeguards performance objectives. When an attribute does exceed those objectives, it then becomes the focus of additional and timely examination, including discussion with the intelligence community or special study regarding that specific attribute, to establish in a factual manner a comprehensive characterization, including the motivation, dedication, and method of operation of the adversary. Importantly, the NRC examines and includes the circumstances or context surrounding a specific terrorist incident in its deliberation.

For example, the conditions present in the civil strife of Beirut, Lebanon, that resulted in vehicle bomb attacks, are not easily replicated in the United States. Notwithstanding statements made in the petition and supported by some commenters, the NRC would argue against the likelihood of such vehicle bomb attacks domestically.

The likelihood that terrorists would attempt to perpetrate an act of nuclear terrorism is of concern to the NRC and the Federal government. Based on its own analytic activities and working closely with other agencies, the NRC monitors the threat environment for indications that the likelihood of nuclear terrorism is increasing. Any report of a threat against a domestic nuclear facility receives immediate review and threats against a nuclear facility overseas receive continued attention. On this particular point, the NRC agrees with a statement made by commenters who oppose the petition: That the NRC has access to relevant sensitive or classified information not normally available to the public. Each incident, whether against a nuclear facility or not, is closely examined in the context of the design basis threat to assess its impact. Because of the increased number of events occurring concurrently with the Middle East crisis, NRC has increased data available to base its determination of any significant change in the threat environment, with particular focus on any increased threat of nuclear terrorism. Decision-makers are being briefed, some on a daily schedule, regarding threats and terrorist incidents worldwide, and staff planning includes response options available to address evolving threats worldwide and domestically.

Although changes are occurring worldwide, the NRC has not detected, to date, any significant change to the threat environment, including weaponry, group size, state-sponsorship, or targeting, that warrants a modification of the design basis threat statements for NRC licensed nuclear power reactors. Nonetheless, the NRC continues, on a daily basis and with ongoing vigilance, to review information on threats and incidents to assure that the design basis threat statements remain adequate, prudent, and reasonable.

3. *Excerpts.* It is equally important to upgrade the design basis threat to anticipate attacks by more sophisticated, larger and better-armed groups. There are essentially two components to this upgrade: (1) a larger number of attackers, with the capability to act in several coordinated teams; and (2) heavier firepower. (p. 19)

In Latin America and Europe large group attacks on nuclear facilities have been documented, *viz.*, the March 25, 1973, attack by fifteen terrorists on the Atucha Atomic Power Station in Argentina. (p. 20)

* * * the ETA, a Basque separatist terrorist group in Spain, launched nearly 100 attacks against two nuclear plants under construction, using powerful remote-detonated bombs, plastic explosives, hand grenade launchers and anti-tank rockets. The attacks resulted in more than $7 million in damage. (p. 21)

Response. The NRC agrees that terrorist groups larger than and with heavier firepower than contemplated in the design basis threat have carried out operations in foreign nations. The operations were carried out in nations experiencing armed civil unrest, a situation not prevalent in the United States. The NRC has not identified, to date, any significant change or trend involving weaponry, group size, state-sponsorship or targeting that warrants a modification of the design basis threat statements for NRC licensed nuclear power reactors. If such a change were to occur, the NRC response would be scaled to the immediacy and scope of the treat.

4. *Excerpt.* The Commission's regulations exempt licensees from protecting against "the effects of attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other persons * * *" 10 CFR 50.13. However, Petitioners understand that the Commission does not consider this exclusion to extend to terrorist groups which operate independently, even though they may have strong links to and the support of foreign governments. (p. 6)

Response. The NRC agrees with this statement. The information on threats and incidents routinely reviewed by the NRC and considered in threat assessments as discussed in the foregoing responses, includes activities of terrorist groups which operate independently, but may have strong

links to and the support of foreign governments.

5. *Excerpts.* The Commission also stated that the "defense in depth" concept of nuclear reactor design "makes[s] the releasing of radioactivity by acts of sabotage difficult" and that the consequences of sabotage would be less severe than the "successful detonation of an illicit nuclear explosive device." 42 FR at 10836, col. 3. As discussed *infra* in section C, these considerations do not appear valid today in the judgment of the Commission's own staff and outside experts. (p. 7)

The "unacceptable damage," noted by Sandia National Laboratories and potentially associated with a successful truck bomb attack, maximally means the meltdown of a nuclear reactor core, relasing massive amounts of radioactivity, comparable to what would occur in a severe accident. The Commission has estimated, in the case of one reactor, that a severe accident could result in up to 130,000 acute fatalities, 300,600 latent cancers, and 600,000 genetic effects, while necessitating offsite mitigation estimated to cost $35 billion. (p. 13).

Response. The NRC continues to believe that, in general, the consequences of sabotage would be less severe than the consequences from successful detonation of an illicit nuclear explosive device. An illicit nuclear explosive device would be portable and could be directed against a heavily populated area or be directed against a seat of government and detonated at a time selected for maximum explosive effect. All licensed power reactors are fixed. Moreover, as discussed below, the NRC does not believe that the consequences referred to in the petition would appropriately serve as a primary basis for formulation of a design basis threat.

The term "unacceptable damage", as used in reports of the Sandia study upon which the petitioner's truck bomb arguments are based, refers to the blast effects on a concrete wall panel and is in the section of the reports that discussed modeling of structural responses to far-field blast waves. It is not used in the reports in the sense of predicting an offsite release.

While one can conclude that using the stand-off distances developed in this report would ensure safety from a potential truck bomb treat, the report does not support the corollary conclusion, i.e., that a truck bomb, placed closer to the reactor, would necessarily result in a substantial radiological release. The massive structures, redundant safety systems and damage mitigation features of currently licensed reactors each provide a certain, although unquantified measure of protection against an uncontrollable release of radioactive material resulting from a truck bomb, irrespective of stand-off distance.

Acceptance of 130,000 acute fatalities,[2] which is the worst case presented in the document cited, implies acceptance of each of the following propositions as true:

(1) That a terrorist group favors nuclear reactor sabotage over other targets that exist in the U.S.;

(2) That they construct a very large truck bomb undetected;

(3) That indicators from terrorist activity worldwide do not trigger implementation of truck bomb contingency plans;

(4) That the truck bomb is successfully emplaced at a reactor and detonated;

(5) That blast distance and size are sufficient to cause significant damage;

(6) That the reactor has been operating at power for some time;

(7) That the reactor's redundant safe-shutdown systems are all disabled;

(8) That containment is massively breached;

(9) That large quantities of radionuclides are released to the atmosphere;

(10) That the wind and other meterological conditions are favorable to the worst case consequences;

(11) That there is a large city nearby in a downwind direction; and

(12) That the local population, even that part nearest the reactor, elects to remain in place for seven days with no mitigating measures.

The NRC considers the foregoing set of assumptions to be unlikely in the extreme and not an appropriate basis for safeguards rulemaking.

6. *Excerpts.* Indeed, NCI's Task Force members unanimously concluded "that a reactor accident brought about by terrorists, even one releasing significant amounts of radioactivity, is by no means implausible and is technically feasible." (p. 10)

Response. The NRC has accepted the notion that reactor sabotage, with radiological releases, is technically feasible for many years. Measures are employed at power reactors to protect against credible radiological sabotage scenarios. In the unlikely event of radiological sabotage, damage control and accident mitigation measures would likely limit the amount of radioactivity released.

7. *Excerpt.* There has already been at lease one unconfirmed threat of an Iraqi-sponsored attack on a U.S. nuclear facility. See Commission, Preliminary Notification of Threat or Unusual Occurrence—PNO–I–90–108 (Decemer 26, 1990) (noting asserted Iraqi bomb threat to the Vermont Yankee Nuclear Power Plant). (p. 10)

It should also be noted that the number of "safeguards events" has been increasing in the late 1980s, a disturbing trend indicating that the thought of sabotage is in currency, if not actually realized yet. See Commission, *Safeguards Summary Even List* (NUREG–0525, Rev. 16) (December 31, 1989): Testimony of Daniel Hirsch in *Oversight Hearings* at 52 and Figures 5 and 6. Hirsch noted that as of 1988 "safeguards events," including bomb hoaxes, [had] increased five-fold since the last revision to the design basis threat regulations * * *. (p. 10)

Response. The referenced Preliminary Notification (PNO–I–90–180, December 26, 1990) concerned an anonymous phone call to the Governor-elect of Vermont stating that Iraqi troops were going to bomb Vermont Yankee Nuclear Power Plant. All of the appropriate law enforcement agencies were notified of the call, including the Federal Bureau of Investigation. On the basis of other information available at the time, the caller's information was deemed to be non-credible. Incidentally, there were a number of other sabotage and attack threats to licensees during the period of the recent Persian Gulf crisis. A listing of all such events for the period August 2, 1990, to February 21, 1991, is provided (see appendix). Although there were a substantial number reported, none were considered to be significant.

The NRC has reviewed the assertion that safeguards events, including bomb hoaxes, have increased "five-fold" since the "last revision to the design basis threat regulations." A number of factors substantially account for this increase. First, NRC reporting requirements, i.e., the types of events that are required to be reported by NRC licensees, have been expanded. As the nuclear industry has implemented "Fitness for Duty" programs, more drug and alcohol-related events have been reported, regardless of whether or not any additional risk to the safe operation of the facility was involved. Second, more firearms have been detected during required routine entry searches, although, typically, no malevolent intent towards facility was identified. Third, the number of operating reactors has increased during the past ten years, and thus, the number of safeguards-related events has increased during the same period.

The influence of event data reported in the Safeguards Summary Event List (NUREG–0525) on the design basis threat statements merits careful examination. Clearly, the number of

[2] This estimate was reported in Supplement to Draft Environmental Statement, San Onofre Nuclear Generating Station, Units 2 and 3 (NUREG–0490), dated January 1981. The corresponding estimate reported in the Final Environmental Statement, San Onofre Nuclear Generating Station, Units 2 and 3 (NUREG–490), dated April 1981 was 30,000.

events alone reported in the list does not suggest a significant change has occurred in the threat environment. The NRC considers a variety of factors, the most important being demonstrated adversary characteristics, in determining the status of the design basis threat statement for radiological sabotage. The events identified in the list typically represent hoaxes, i.e., non-credible threats, or adversary characteristics that fall well within the bounds of the current design basis threat statement for radiological sabotage. Therefore, an increase in the number of reported events by itself does not warrant a change to the design basis threats.

8. *Excerpt.* While there has not been an identified international terrorist threat as yet against domestic licensed reactors, terrorists have been responsible for more than one-third of non-U.S. reactor incidents in the period 1970–1984. As was demonstrated by the arrest in 1988 of several individuals associated with the Syrian Socialist National Party while attempting to smuggle explosives into the United States, the existence of an undetected, international terrorist threat in the United States today is a possibility which cannot be discounted. (p. 11)

Response: The first sentence refers to examples of the kinds of events that are under continuing review by threat evaluators at NRC.

The NRC agrees with the comment in the second sentence: "[that the] international terrorist threat in the United States today is a possibility that cannot be discounted." The NRC differs from the petitioners only in the details and level of response. The NRC believes that vigilant evaluation of terrorist activities, supported by current protection levels and contingency planning for even stronger protection, constitutes an adequate response.

Incidentally, the explosive involved in the cited smuggling incident was contained in a hand-carried satchel and was of a small quantity.

9. *Excerpts.* The use of truck bombs has become a tactic of choice for terrorists. The tactic is a grave threat to civilian power plants * * *. (p. 10)

While this Petition focuses primarily on truck bombs, it is also essential to protect against boat bombs. Many nuclear power plants are located adjacent to water and are thus at risk from attack by boat. (p. 10)

Response. Truck bombs with explosive mass sufficient to pose a challenge to power reactors have been used in the Middle East. In the U.S. there has been only one known incident of a large truck bomb [Mat Lab, Wisconsin, (1970)]. There is no information that a group currently exists within the U.S. that has both the capability and motivation to carry out a truck (or boat) bomb detonation sufficiently near a power reactor which could cause significant damage. Although the likelihood of a truck bomb event is considered to be too low to warrant a change in the design basis threat for radiological sabotage, contingency plans were put in place as a prudent response. The likelihood of a boat bomb is considered to be much less than that of a truck bomb, which itself is only a remote possibility. Accordingly, a requirement for protection against boat bombs is considered unjustified.

10. *Excerpt.* * * * in Western Europe, nuclear power plants are protected against truck bombs by reinforced fences and walls. (p. 11)

Response. The NRC participates as a member of the interagency U.S. Physical Protection Review Team which conducts technical exhanges o policies, practices and procedures for physical protection of nuclear material and facilities with foreign governments that receive U.S. origin nuclear material. The information derived from exchanges is classified (foreign government restricted information). Accordingly, the NRC cannot discuss specific safeguards planning or programs used by foreign entities. However, there is general agreement between the U.S. and its nuclear trading partners regarding the level of physical protection that is prudent for operating power reactors. All parties commit to the physical protection criteria recommended by the International Atomic Energy Agency in its publication INFIRC/225 Rev. 2, and many, including the U.S., go beyond these minimum provisions.

11. *Excerpts.* Although the Commission has been aware of this threat [truck bomb] at least since 1983, nonetheless it has not responded sufficiently to date. (p. 11)

As early as 1984, the Commission staff recommended modification of the design basis threat to include the use of truck bombs by an adversary, noting, "The use of a vehicle bomb against a nuclear facility is a feasible form of attack." (p. 11)

The Commission's response to the recognized truck bomb threat has been woefully deficient. While a Commission 1984 survey of the Defense Department, the Secret Service, the State Department, and the Department of Energy found that "[a]ll four agencies believe that the "truck bomb" threat in the U.S. is sufficient to prompt action" and had "implemented measures to counter the threat," * * * the Commission only determined at that time to study the issue and delay action. (p. 15)

Some six years after identification of the threat, on April 28, 1989, the Commission finally responded by doing no more than issuing a "Generic Letter" (No. 89–07) which calls for licensees to develop "contingency plans" to deal with the truck bomb threat, based upon a contractor report. The Generic Letter does not require licensees to plan any permanent measures against vehicle bombs, even though it is far from clear whether licensees will have sufficient warning time of a particular terrorist action to implement effective contingency plans. (p. 16)

The truck bomb threat is not likely to disappear. Short-term expedients, such as those reflected in Generic Letter No. 89–07, simply do not adequately address this threat, either for the near or longer term. (p. 18)

Response. NRC's design basis threats serve three purposes. They are used to develop regulatory requirements, they provide a standard with which to measure changes in the real threat environment, and they provide a standard for evaluation of implemented systems. The 1983 bombings in the Middle East were clearly beyond the capabilities attributed to the design basis threats, and this recognition triggered NRC staff action.

A first step was to determine the effects of large scale explosive attacks on licensed facilities including power reactors. Before the results of the study were known, but with general awareness of the damage high explosives can cause to structures, the NRC safeguards staff concluded that, to be prudent, an immediate effort was warranted, including the development of protection requirements, defensive strategies, and guidance on vehicle barriers. This action was being taken while the U.S. intelligence agencies were gathering and assessing intelligence information on the origin and geographic extent of this new type of threat, as well as the kinds and quantities of explosives involved. Subsequently, based on information received from these intelligence agencies, it quickly became apparent that the threat of vehicle bomb attacks in the continental U.S. was not imminent, and NRC staff resources were redirected away from immediate regulatory actions to a broader based assessment of the entire issue. The truck bombings in the Middle East occurred in nations experiencing armed civil unrest, a situation not prevalent in the U.S. Subsequently, the truck bomb threat in the U.S. was evaluated in depth and alternatives for dealing with it were developed. None of the information developed was interpreted as indicative of a need for immediate action; also, permanent measures were considered but were deemed inappropriate. Power reactor licensees were required by Generic Letter 89–07 to develop contingency plans for providing protection against truck bombs under short notice, and to confirm in writing that they had included the threat of a vehicle bomb in their contingency

planning. The NRC staff verified that confirmations were received from licensees that these contingency plans had been developed. Temporary Instruction 2515/102 (TI 2515/102), "Land Vehicle Bomb Contingency Procedures Verification," was issued on November 29, 1989. The purpose of TI 2515/102 was to provide policy guidance for NRC regional staff to verify that power reactor licensees have performed the contingency planning required by Generic Letter 89–07. The objective of TI 2515/102 was to verify that the licensee's contingency planning considered short-term actions that could be taken to protect against attempted radiological sabotage involving a land vehicle bomb if such a threat were to materialize. Inspections were completed at all operating power reactor sites. For each power reactor site, NRC inspectors verified that the licensee's safeguards contingency procedures addressed the ability to respond to an NRC request to implement short-term contingency measures and the licensee has determined that any resources or equipment needed to implement short-range contingency measures would be available.

As noted in the petition, the NRC consulted with the Defense Department, the Secret Service, the State Department, and the Department of Energy. The NRC considered the extent of the protective measures they implemented in relation to the protective measures that were already in place at power reactors. The consultations were conducted as an informal information gathering by the NRC staff. It was realized at the time of the consultations that the agencies contacted did not, in most cases, have targets analogous to those protected under NRC regulation or with comparable consequences to a postulated truck bomb attack. Because of this, it was judged reasonable that Federal agency response to the truck bomb issue might be agency-specific. Nothing was found that called for immediate additional measures to protect against truck bombs at power reactors. The NRC threat evaluation staff remains vigilant in its continuing search for indications of a truck bomb threat. The NRC continues to believe that, since the likelihood of such events is considered to be so low, the actions taken constitute an appropriate response.

12. *Excerpts.* The Commission's failure to protect against truck bombs at power plants stands in contrast to its approach for protecting fuel facilities. Almost three years ago, the Commission determined it was appropriate to alter the design basis threat for theft 'to include use of land vehicles by potential adversaries attempting to commit a theft * * *. Such asymmetry is nonsensical: Logically the Commission cannot acknowledge "the possible use of land vehicles for breaching of perimeter barriers"—precisely the *modus operandi* of a potential truck-bomb attacker—without acknowledging the possibility of such an attack at licensed reactors. (p. 17)

The current standard is somewhat ambiguous because it does not specifically include a reference to vehicular support, *i.e.*, attackers arriving by means other than foot. Chairman Zech stated during the 1988 oversight hearings: "NRC's design basis threat includes any mode of transportation—any mode of transportation—to get to the site, or through the perimeter barrier. Our design basis threat assumes any mode that could get through the barrier—car, boat, truck or another method of transportation." * * * Plainly the design basis threat itself should explicitly recognize this prospect. (p. 19)

Response. The NRC distinguishes between (1) theft of high enriched uranium from a fuel facility and (2) radiological sabotage of a power reactor. As discussed under the response to Excerpt No. 5, the theft might support an illicit nuclear explosive device with the potential for higher consequences then those from radiological sabotage. An illicit nuclear explosive device would be portable and could be directed against a heavily populated area or be directed against a seat of government and detonated at a time selected for maximum explosive effect. An adversary contemplating theft would be prepared and equipped differently from how he or she would be if contemplating radiological sabotage. The combination of these factors and other considerations (described below) leads to a design basis threat for theft that differs from that for radiological sabotage.

Because it could be used in an illicit nuclear explosive device, significant quantities of special nuclear material (such as high enriched uranium) must be protected rigorously against theft. This material exists at certain facilities administered by the Department of Energy (DOE) and at certain facilities licensed by the NRC. The two agencies coordinate to carry out a policy of maintaining fully adequate and essentially equivalent safeguards systems. During 1988, this policy led the NRC to revise its design basis threat for theft of materials from high enriched fuel facilities to include land vehicles used for transporting personnel, and their hand-carried equipment.

A comparability review of the protection programs for power reactor facilities has not been conducted because DOE defense-related reactors are fundamentally different from commercial units in siting, function, design, size, nuclear fuel used, safety systems, and operations.

All power reactors operating in the U.S. use low enriched fuel. There is no high enriched uranium at these sites. Thus, vehicle denial barriers are not required to protect against theft at operating power reactor sites.

The NRC interpretation of the design basis threat for radiological sabotage of reactors does not preclude adversaries' use of vehicles, other than truck bombs, for transportation and for breaching protected area barriers. The interpretation also allows for boats (other than boat bombs) for transportation and for breaching the barriers. The protection system is designed independent of the type of surface vehicle. The vehicle, whatever its type, would be detected by intrusion alarms when it crosses the barrier. No delay time is credited for the barrier. In response to positions taken by the petitioner and supported by some commenters, one could modify the design basis threat to express this interpretation. The modification, however, would not affect the high level of protection already provided.

13. *Excerpt.* Such protections against truck bombs can be achieved at relatively low cost. The Commission estimated in 1986, for example, that a vehicle denial system for roadway access would cost only about $100,000–$200,000 per facility to install and $10,000–$20,000 annually to maintain, while a perimeter access denial system would only cost $500,000–$1,000,000 per facility to install and $25,000–$50,000 annually to maintain. * * * Indeed, the price of protection seems small and well worth it, considering the catastrophic consequences that could be associated with successful sabotage, including significant offsite radioactive releases and the crippling of a power plant. (p. 18)

Response. Among the issues considered by the NRC during its deliberations on the vehicle bomb were the provisions of the Commission's backfit rule. The rule states in 10 CFR 50.109(a)(3) that the Commission can require backfitting when it determines that there is a substantial increase in the overall protection of the public health and safety or the common defense and security to be derived from the backfit, and that the direct and indirect costs of implementation for that facility are justified in view of this increased protection. Contrary to the belief of the petitioner and supported by some commenters, the NRC concluded that the vehicle denial system referred to in this excerpt would not provide a substantial increase in the overall

protection of the public health and safety. Cost was not a deciding factor.

Incidentally, the dollar values stated by the petitioner for perimeter access denial are not representative of the costs of providing standoff distances beyond the existing protected area, as could be required to assure protection against "explosives for use as tools of entry or for otherwise destroying reactor, facility, transporter, or container integrity or features of the safeguards system, in quantities transportable by vehicle." (Page 22, the Petition.) In some cases, significant additional expenditures would be necessary for (in certain cases) purchase of land, relocation of roads and parking lots, additional length of barrier structures, and means to monitor the integrity of the barrier. These factors could add substantially to the costs stated for the perimeter system.

VI. Statement of Denial

The Commission has considered the petition, the public comments, and the NRC staff evaluation set forth in this notice. The Commission concludes that there has been no change in the domestic threat since the design basis threat was adopted that would justify a change in the design basis threat. Accordingly, the petitioners' request to modify the design basis threat for radiological sabotage as set forth in 10 CFR 73.1 is hereby denied.

Dated at Rockville, Maryland, this 5th day of June 1991.

Samuel J. Chilk,

Secretary of the Commission.

Appendix—Listing of Sabotage and Attack Threats to NRC Licensees for the Period August 2, 1990—February 21, 1991

1. Date: 08/29/90
   Site: Maine Yankee, Maine Yankee Atomic Power Company, Lincoln County, ME
   Source: Licensee's Corporate Office
   Threat: At 3:40 p.m., an unsubstantiated bomb threat was received at the corporate office.
   Action: The Maine State Police, the Augusta Police, and the FBI were notified.
   Resolution: Licensee and the police determined the threat was noncredible. No further action due to the vagueness of the threat.
2. Date: 10/22/90
   Site: Georgia Nuclear Plants
   Source: Dekalb County Sheriff's Office through the FBI
   Threat: An anonymous female telephoned the Dekalb County Sheriff's Office at the Courthouse in Decatur, Georgia, and provided a partially unintelligible message regarding an alledged kidnapping that occurred at Stone Mountain, Georgia, on an unspecified date. The brief message was "covered" by the Sheriff's Department Radio traffic, making the name of the alleged victim undistinguishable. The caller stated that if the unknown victim was not returned to Stone Mountain, "they would ignite" a nuclear power plant in Georgia. The nuclear power plant to be targeted was not specified (NRC-licensed facilities in Georgia include Hatch 1 and 2 and Vogtle 1 and 2).
   Action: No action required.
   Resolution: The Sheriff's department believes the kidnapped individual may refer to someone incarcerated in the Stone Mountain Correctional Facility, a medium security state penitentiary located in Stone Mountain, Georgia. The FBI plans no further action.
3. Date: 12/25/90
   Site: Vermont Yankee, Vermont Yankee Nuclear Power Corporation, Windham County, VT
   Source: Governor-elect of Vermont
   Threat: At 5:40 p.m., the Governor-elect of Vermont received a telephone call from a male who stated that the Iraqi government was going to blow up the Vermont Yankee nuclear power plant.
   Action: The licensee was notified through the state and local police and, as a precautionary measure, increased security at the facility. Other nuclear plants in the Yankee system were also notified.
   Resolution: The licensee and police determined the threat was noncredible.
4. Date: 01/06/91
   Site: Trojan
   Source: Bonneville Power Authority (BPA)
   Threat: BPA received a letter from a woman who stated that "In the new world God would destroy dams, coal-fired plants, oil-fired plants, and nuclear power plants. PGE is the devil and will be destroyed by God within three months."
   Action: BPA notified the Portland General Electric Company load dispatcher who, in turn, notified the Trojan Plant Superintendent.
   Resolution: The licensee determined the threat was noncredible. The letter writer was known by the Oregon police to be mentally ill and no threat to society.
5. Date: 01/10/91
   Site: Transmission line
   Source: Consumers Power
   Threat: NCR Region III was notified by Consumers Power, that the Canadian Power Control had received a telephonic bomb threat to destroy the new transmission line from Detroit Edison (owner) to Ontario Hydroelectric. The bomb was set to go off in 16 hours.
   Action: The FBI was notified and Detroit Edison was contacted.
   Resolution: No bomb was found.
6. Date: 01/12/91
   Site: Hatch, Georgia Power Company, Appling County, GA
   Source: Georgia Power Company
   Threat: NRC Region II received a call from Georgia Power advising that at 12:20 a.m. on January 12, 1991, an individual drove up to Hatch's Gate 1 (owner-controlled area) in an 18-wheeler and asked to see a plant operator regarding a private business dealing. When told the operator would not be at work until January 15, 1991, the driver stated he would be back. After he got in the truck he stated, ". . . if I pulled the wires to disable the vehicle and loaded it with explosives, I could do something."
   Action: The local law enforcement agency and the FBI were notified.
   Resolution: On January 16, 1991, the driver was identified, and his name was given to the Sheriff's office. He was arrested on unrelated theft charges. No further action was planned by the licensee.
7. Date: 01/15/91
   Site: Palo Verde, Arizona Public Service Company, Maricopa County, AZ
   Source: Corporation Offices, Phoenix, AZ
   Threat: At 8:15 a.m., the switchboard operator at the Corporation Offices, Phoenix, Arizona, received a call from a male, believed to be 30–40 years old, who stated, "I'm going to blow the place sky high."
   Action: No action taken.
   Resolution: Licensee determined the threat was noncredible.
8. Date: 01/15/91
   Site: Brunswick, Carolina Power and Light Company, Brunswick County, NC
   Source: Brunswick Nuclear Power Visitors Center
   Threat: At 11:08 a.m., the Brunswick Nuclear Power Plant Visitors Center received a call from a male, believed to be Southern, who said in a raspy voice, "You had better evacuate the plant because we are going to blow up Sunny Pt. (military, non-nuclear facility located near Brunswick) today."
   Action: Brunswick and Sunny Pt. facilities were notified, as well as the FBI.
   Resolution: Licensee determined the threat was noncredible.
9. Date: 01/15/91
   Site: Wolf Creek, Kansas Gas and Electric Company, Coffey County, KS
   Source: Kansas Bureau of Investigation
   Threat: At 2:30 p.m., the licensee was notified by the Kansas Bureau of Investigation that they were called by a female with secondhand information that someone of Iraqi descent worked at Wolf Creek, and if his country is invaded, he will sabotage the plant.
   Action: The FBI was notified.
   Resolution: Security of vital equipment was heightened. Result of licensee investigation was negative.
10. Date: 01/16/91
    Site: Davis-Besse, Toledo Edison Company, Ottawa County, OH
    Source: Licensee
    Threat: At 9:45 a.m., the licensee reported that what appeared to be a bomb (three sticks of unknown material, no power source, and no timing device) had been found in a cabinet drawer in a maintenance building which is physically removed from any vital areas but within the protected area.
    Action: Site security responded and reported it appeared to be a hoax, but the response continued as a

precautionary measure. Local law enforcement officials responded, and the FBI was notified.
Resolution: At 11:14 a.m., the object was identified by the licensee as a "security training device" made by one of the security officers.

11. Date: 01/16/91
Site: McGuire, Duke Power Company, Mecklenburg, County, NC
Source: Duke Power
Threat: Duke Power called RII to deny rumors circulating in North Carolina that McGuire was under attack by Iraqis.
Action: FBI was notified.
Resolution: Rumors were false.

12. Date: 01/17/91
Site: Brunswick, Carolina Power and Light Company, Brunswick County, NC
Source: Licensee
Threat: At 1:26 a.m., the licensee received an anonymous telephone call from an individual on an outside line who said, "Want you people to know 600 hours, it will go off. Two C–4 planted and they will go off."
Action: The FBI was notified. The licensee conducted a search with negative results.
Resolution: The licensee determined the threat was noncredible.

13. Date: 01/22/91
Site: Byron, Commonwealth Edison Company, Ogle County, IL
Source: Commonwealth Edison Company
Threat: The Rock River Division (Commonwealth Edison) received an anonymous telephone call which threatened a bomb explosion at Byron in seven minutes. Earlier in the morning, Rock River received another anonymous telephone call which threatened a bomb attack against a substation in Rockford, Illinois.
Action: A search was conducted with negative results.
Resolution: The licensee determined the threat was noncredible. The caller was identified as an unstable personality who had made seven or eight calls over several days to non-energy facilities. A warrant has been issued for his arrest.

14. Date: 01/23/91
Site: Browns Ferry, Tennessee Valley Authority, Limestone County, AL
Source: Tennessee Valley Authority
Threat: At 11:45 a.m., the main TVA switchboard in Chattanooga, Tennessee, received a call from an unidentified male who stated, "A black Cadillac or a Nissan truck is on the way to Browns Ferry with a bomb."
Action: The FBI was notified. The licensee maintained heightened awareness.
Resolution: The licensee determined the threat was noncredible.

15. Date: 01/23/91
Site: San Onofre, Southern California Edison Company, San Diego County, CA
Source: California State Highway Patrol, Oceanside
Threat: At 6:50 p.m., the California State Highway Patrol, Oceanside, received a call from an individual who stated, "There is a bomb at San Onofre."
Action: The Sheriff's Office and San Onofre were notified. The licensee closed all but the south gate, searched vehicles at the south gate, and heightened security. The Sheriff's Department dispatched a patrol car with bomb-sniffing dogs to the site. The FBI was notified.
Resolution: The FBI determined the threat was noncredible and notified the licensee.

16. Date: 01/23/91
Site: Zion, Commonwealth Edison Company, Lake County, IL
Source: Zion Police Department
Threat: The Zion Police Department received a telephone call from an individual who stated, "There's a bomb planted at the local MacDonalds." A short time later, a second call stated, "I see you're not doing anything about the bomb at MacDonalds or the one at the Zion Nuclear Power Plant."
Action: The FBI was notified.
Resolution: The licensee and the police determined the threat was noncredible.

17. Date: 01/23/91
Site: Turkey Point, Florida Power and Light Company, Dade County, FL
Source: Dade County Metropolitan Police Department
Threat: During the evening, Dade County Metropolitan Police Department received an anonymous call from an individual who stated he was with "Iraqi International," and an airplane would bomb Turkey Point at 8 p.m.
Action: The call was traced to a pay telephone at a K-Mart, but no suspect was identified. The Dade Police notified the licensee. The FBI was notified.
Resolution: The licensee and the police determined the threat was noncredible.

18. Date: 01/24/91
Site: Consolidated Edison Corporate Office, New York
Source: New York City Police Department
Threat: At 1:50 p.m., the New York City Police Department advised that they received a call from an individual who stated that a bomb would go off in ten minutes on the 2nd floor of the Consolidated Edison Corporate Offices.
Action: A search was conducted with negative results.
Resolution: No mention was made of an NRC-licensed facility.

19. Date: 01/25/91
Site: Turkey Point, Florida Power and Light Company, Dade County, FL
Source: AT&T
Threat: At 11:35 a.m., AT&T received a call from a male with a foreign accent, who said he needed nails and a hammer to bomb the Turkey Point plant.
Action: AT&T traced the call to a local residence in Hollywood, Florida. The licensee contacted the local law enforcement agency and the FBI.
Resolution: The local law enforcement agency investigation determined the call was made by an 18-year-old as a prank.

20. Date: 01/25/91
Site: Oregon State University, Oregon
Source: The University
Threat: At 9 a.m., the University received a general bomb threat which stated, "Bombs will go off at several places, including Oregon State University."
Action: The reactor was shut down. A search was conducted with negative results.
Resolution: The University determined the threat was noncredible.

21. Date: 01/25/91
Site: Davis-Besse, Toledo Edison Company, Ottawa County, OH
Source: Licensee
Threat: NRC Region III was notified that an individual walked into the Edison Plaza Shopping Center, Toledo, Ohio, and threatened to kill all Toledo Edison employees and destroy Toledo Edison equipment.
Action: FBI notified.
Resolution: The individual was known to the local police as he had made previous threats. The licensee filed a complaint, a warrant was issued, the man was arrested and jailed.

22. Date: 01/30/91
Site: Limerick, Philadelphia Electric Company, Montgomery County, PA
Source: Licensee
Threat: At 3:46 p.m., the switchboard, in a nonprotected area, received a telephone call form an anonymous individual who said, "I put a bomb there that's going to blow up."
Action: The local police were notifed. A search was conducted with negative results.
Resolution: The caller was believed to be a boy, about 8–9 years old. The licensee and police determined the threat was noncredible.

23. Date: 01/31/91
Site: Manhattan College, New York
Source: Manhattan College
Threat: At 12 noon, an anonymous bomb threat was received against a building at Manhattan College, Riverdale, New York, housing a nonpower reactor.
Action: The local police department responded. A search was conducted with negative results.
Resolution: The College and police determined the threat was noncredible.

24. Date: 02/04/91
Site: Arkansas, Arkansas Power and Light Company, Pope County, AR
Source: FBI Office, Little Rock, Arkansas
Threat: The FBI Office, Little Rock, Arkansas, received an anonymous telephone call from an individual who stated that Arkansas Nuclear One was going to be hit.
Action: The licensee was notified and increased security.
Resolution: FBI determined the threat was noncredible.

25. Date: 02/06/91
Site: San Onofre, Southern California Edison Company, San Diego County, CA
Source: Licensee
Threat: Sometime between 4 p.m. on February 5, 1991, and 7:30 a.m. on February 6, 1991, the licensee recorded a message on an answering machine which said, "The whole place is going to blow up today."
Action: The FBI was notified. A copy of the tape was provided to the FBI.

Resolution: The FBI determined the threat was noncredible.

28. Date: 02/14/91
Site: Cooper, Nebraska Public Power District, Nemaha County, NE
Source: Sheriff, Auburn, Nebraska
Threat: The local sheriff in Auburn, Nebraska received an anonymous bomb threat against the local hospital and against Cooper which said, "A bomb will go off in 29 minutes. . . ."
Action: A search was conducted with negative results.
Resolution: The licensee determined the threat was noncredible.

27. Date: 02/19/91
Site: U.S. Embassy, Ottawa, Canada
Source: FBI
Threat: The U.S. Ambassador received an anonymous threat letter that alluded to various illegal activities such as drug dealing and prostitution and contained threats against the U.S., including a threat of retaliatory kamikaze air crashes into U.S. nuclear power plants by explosive laden planes, if Iraq was invaded by U.S. forces.
Action: The Royal Canadian Mounted Police (RCMP) and the FBI were notified.
Resolution: The RCMP and the FBI determined through their investigation that the threat against nuclear facilities was noncredible.

28. Date: 02/21/91
Site: University of Utah, Utah
Source: Local Police Department
Threat: At 7:05 a.m., the local police department notified the University of a bomb threat against the Merrill Engineering Building. The threat was not directed against the Triga reactor which is located on the first floor.
Action: A search was conducted with negative results.
Resolution: The licensee and police determined the threat was noncredible.

[FR Doc. 91-13805 Filed 6-10-91; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CCGD5-91-026]

Drawbridge Operation Regulations—Atlantic Intracoastal Waterway, Albemarle and Chesapeake Canal, Chesapeake, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of members of the motoring public, the Coast Guard is considering changing the regulations that govern the operation of the Centerville Turnpike Bridge across the Atlantic Intracoastal Waterway, Albemarle and Chesapeake Canal, mile 15.2, in Chesapeake, Virginia, by limiting current bridge openings for recreational boats during daylight hours, seven-days a week, year-round. The proposed change to these regulations are, to the extent practical and feasible, intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge.

DATES: Comments must be received on or before July 26, 1991.

ADDRESSES: Comments should be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004. The comments and other materials referenced in this notice will be available for inspection and copying at the above address, room 507, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Comments may be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written comments or data. Persons submitting comments or data should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended changes to the proposal. The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulations may be changed based on comments and data received. No public hearing is planned for this action.

Drafting Information

The drafters of this notice are Linda L. Gilliam, project officer, and LT Monica L. Lombardi, project attorney.

Discussion of Proposed Regulations

Members of the motoring public have requested that openings of the Centerville Turnpike Bridge across the Atlantic Intracoastal Waterway (AICW) in Chesapeake, Virginia, be limited to help reduce highway traffic congestion. The Coast Guard is proposing to restrict the passage of recreational vessels during daylight hours seven days a week, year-round, by opening the bridge on the hour and half-hour for such vessels. Commercial vessels will be passed at any time, and the bridge will continue to open on signal the remainder of the time.

Federal regulations currently require that the Centerville Turnpike Bridge be opened on demand, 24 hours a day, year-round. In 1980, a schedule for opening on the hour and half-hour was temporarily authorized in order to accommodate repair work being done at the time. This temporary schedule remained in place until January 1991, when it was discovered that the schedule had continued well beyond the repair period. Authority to continue the temporary schedule of openings on a permanent basis was never obtained through the normal rulemaking process. Recreational vessels account for the majority of bridge openings along the AICW. According to the drawlogs of the Centerville Turnpike Bridge, 125 recreational vessels transitted this portion of the AICW in May 1989. Had the bridge not been using the temporary schedule of hourly and half-hourly openings from 7 a.m. to 7 p.m., there may have been time periods when excessive bridge openings could have occurred. Continuing to operate the Centerville Turnpike Bridge on demand will most likely result in periods or days of excessive draw openings resulting in highway traffic congestion and unnecessary wear and tear on a structure that is considered old and outdated. The drawlogs for 1990 were not studied because a different repair schedule than that discussed above was in effect for most of that year. It appears the need to restrict drawbridge openings to recreational boats far exceeds the need to maintain the Centerville Turnpike Bridge under its present unrestricted schedule. The Coast Guard believes these proposed regulations will not unduly restrict vessel passage through the bridge, as half-hourly openings are not overly restrictive and vessel operators can plan transits around the proposed schedule.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule will not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Evaluation

These proposed regulations are considered non-major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of the proposed regulation on commercial navigation or on any industries that depend on waterborne transportation should be

minimal. This is based on the fact that the bridge will continue to open on signal for commercial traffic. Because the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g. of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33 Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation of part 117 continues to read as follows:

Authority: 33 U.S.C. 449; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.997(e) is added to read as follows:

117.997 Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

* * * * *

(e) The draw of the Centerville Turnpike (SR 170) bridge across the Albemarle and Chesapeake Canal, mile 15.2, at Chesapeake, shall open on signal; except that, from 7 a.m. to 7 p.m., the draw need only be opened on the hour and half-hour, seven days a week year-round, for the passage of pleasure craft. Public vessels of the United States, commercial vessels, and vessels in an emergency condition which present danger to life or property shall be passed at any time.

Dated: May 24, 1991.

H.B. Gehring,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 91–13812 Filed 6–10–91; 8:45 am]

BILLING CODE 4910–14–M

Notices

Federal Register
Vol. 56, No. 112
Tuesday, June 11, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 91-082]

Public Meeting; Eradication of Common Crupina in the State of Idaho

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: We are announcing that a public meeting will be held to dissuss the planning and implementation of a proposed program to eradicate common crupina in the State of Idaho.

PLACE, DATE AND TIME OF MEETING: The public meeting will be held at the Lewiston Community Center, 1424 Main Street, Lewiston, Idaho, on June 26, 1991, from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Thomas G. Flanigan, Oeprations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 643, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

Noxious weeds deprive landowners of economic opportunities, threaten the preservation of native plant communities, and affect the wildlife and fish that depend on these habitats.

Common crupina (*Crupina vulgaris Cass.*) a noxious weed, was discovered near Grangeville, Idaho, in 1968. Reproduced by seed, common crupina pioneers overgrazed south-slope rangelands and eventually forms pure stands. It has the ability to survive in harsh environments by genetic adaptation. Native plants are physically damaged by intensive grazing. Since noxious weeds are not preferred by livestock, they have a competitive advantage and often replace native plants.

Common crupina poses a threat to croplands, rangelands, and watersheds, native plant populations, export-marketed agricultrual commodities, and wildlife. In the Pacific Northwest, 63,500 acres—including 55,000 acres of rangelands in north central Idaho—are infested with common crupina. In 1988, the Animal and Plant Health Inspection Service (APHIS), in cooperation with the Idaho Department of Agriculture and the University of Idaho, completed a 10-year eradication and feasibility study and eradication trial. Based on the research and operational trial, APHIS and the Departments of Agriculture of the States of Idaho, Oregon, and Washington have concluded that eradication is technically feasible.

On April 4, 1991, we published in the **Federal Register** (56 FR 13793-13794, Docket No. 91-037) a notice advising the public that APHIS had prepared and was making available environmental documentation concerning the eradication of common crupina in Idaho, Oregon, and Washington. The documentation consisted of three separate environmental assessments and findings of no significant impact, as well as Agency records of decision. An analysis of the alternatives in the environmental assessments resulted in findings of no significant impact.

We are holding a public meeting to obtain public input concerning our proposed program to eradicate common crupina in the State of Idaho. The meeting will provide an opportunity for an exchange of information between APHIS representatives and interested members of the public. The comments we receive during the meeting will help us in planning and implementing a proposed program.

Public Meeting Procedures

An APHIS representative will preside at the meetings, where comments will be heard concerning any issue relevant to the proposed program to eradicate common crupina in the State of Idaho. Interested persons may appear and be heard in person, by attorney, or other representative. The meeting will begin at 10 a.m. and end at 5 p.m., local time; however, the meeting may end earlier if all persons desiring to speak have been heard.

Persons who wish to speak should register before the meeting. Pre-meeting registration will be conducted at the meeting location, begining at 9 a.m. on the meeting date. Registered persons will be heard in the order of registration. Unregistered persons who wish to speak will be afforded the opportunity after the registered persons have been heard. If the number of preregistered persons and other participants at the meeting warrants, the APHIS representative may limit the time for each presentation in order to allow everyone wishing to speak an opportunity to be heard.

Done in Washington, DC, this 6th day of June 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-13839 Filed 6-10-91; 8:45 am]

BILLING CODE 3410-34-M

Farmers Home Administration

Submission of Information Collection to OMB (Under Paperwork Reduction Act and 5 CFR Part 1320)

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice; correction.

SUMMARY: A solicitation for comments on information collection requirements was previously published in the **Federal Register** on May 31, 1991, Volume 56, Page 24778. A revision to subpart D of part 1945 of this chapter, which affected the collection requirement, was overlooked in the supporting statement of this publication. This action corrects the supporting statement.

ADDRESSES: Interested persons are invited to submit comments regarding this submission. Comments should refer to the proposal by name and should be sent to: Elizabeth Harker, USDA Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David R. Smith, Senior Loan Officer, Farmer Programs Loan Making Division, Farmers Home Administration, USDA, South Agriculture Building, Room 5430, 14th Street and Independence Avenue, SW., Washington, DC 20250. Telephone (202) 382-1645.

SUPPLEMENTARY INFORMATION: Under "Supporting Statement" in the Supplementary Information section, the fourth paragraph in item number 2 is corrected to read as follows:

The Agency solicits information about nonfarm income and practices, and nonfarm assets. The Agency uses this information to evaluate whether such sources are essential to the success of the farming operation. Applicants must offer all nonessential assets as collateral to conventional lenders in attempting to obtain credit from other sources. When an EM loan is made, the interest in such assets will be mortgaged to FmHA as additional collateral for the loan. Proceeds from any sale of such assets will be applied on the borrower's FmHA loan(s). Applicants must also agree to return to private lending sources if the Agency determines they are able to return to such creditors. The Agency, therefore, requires that acceptable financial and production recordkeeping practices be maintained to enable proper evaluation and to facilitate a return to private lenders.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507.

Dated: June 1, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91-13820 Filed 6-10-91; 8:45 am]

BILLING CODE 3410-07-M

Forest Service

California Department of Forestry Conservation Camp; Plumas National Forest; Yuba County, CA; Environmental Impact Statement Cancellation Notice

The California Department of Forestry and Fire Protection has withdrawn it's proposal to establish a minimum security conservation camp in Yuba County, California.

The notice of intent, published in the **Federal Register** on December 6, 1990, is hereby rescinded (55 FR 50338).

For further information contact: R.C. Bennett, Environmental Coordinator, Plumas National Forest, Box 11500, Quincy, CA 95971; telephone 916-283-2050.

Dated: May 28, 1991.

John Palmer,

Acting Forest Supervisor.

[FR Doc. 91-13792 Filed 6-10-91; 8:45 am]

BILLING CODE 3410-11-M

Lincoln National Forest, NM; Timber Supply and Demand Analysis

AGENCY: Forest Service, USDA.

ACTION: Public notice of analysis of Lincoln National Forest timber supply and demand.

SUMMARY: Several decisions will be made after evaluation of the current timber supply and demand situation. It is anticipated that the allowable sale quantity and timber sale objectives will be modified for the remaining years within the existing Forest Plan. These changes are due to meeting interim guidelines for managing the Mexican spotted owl and other management constraints. Visual quality management will also be evaluated in terms of changes resulting from timber sale areas.

DATES: Comments concerning the scope of the analysis will be accepted until August 1, 1991. A formal public involvement plan is being developed. Future news releases will further detail how and when to get involved in the analysis process.

ADDRESSES: Written comments and suggestions concerning the scope of the analysis must be sent to Lee Poague, Forest Supervisor, Lincoln National Forest, Federal Building, 11th and New York, Alamogordo, New Mexico 88310.

FOR FURTHER INFORMATION CONTACT: Questions about the analysis documentation, and public involvement process should be directed to Ron Hannan, Forest Planner, Lincoln National Forest, (505) 437-6030.

SUPPLEMENTARY INFORMATION: The range of alternatives will address a number of issues, including below-cost timber sales program, management of forest insects and disease, visual quality and recreation, impacts on local economies, wildlife and threatened and endangered species, old growth, and water/soil/air quality.

Lee Poague,

Forest Supervisor.

[FR Doc. 91-13794 Filed 6-10-91; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Institute of Standards and Technology.

Title: Application for Malcolm Baldrige National Quality Award.

Form Number: OMB Number: 0693-0006.

Type of Request: Extension.

Burden: 100 respondents; 8,000 reporting hours. Average hours per response is 80 hours.

Needs and Uses: The information on the application is used to conduct an evaluation of businesses applying for the Award, with emphasis on quality achievement and quality improvement from applicants who are either: Manufacturing companies or subsidiaries, service companies of subsidiaries; or small businesses.

Affected Public: Businesses, industries, and small businesses.

Frequency: Annually.

Respondent's Obligation: Required to obtain a benefit.

OMB Desk Officer: Maya A. Bernstein, 395-3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the purposed information collection should be sent to Maya A. Bernstein, OMB Deck Officer, room 3235, New Executive Office Building, Washington, DC 20503.

Dated: June 5, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 91-13795 Filed 6-10-91; 8:45 am]

BILLING CODE 3510-CW-M

Foreign-Trade Zones Board

[Docket No. 31-91]

Foreign-Trade Zone 151—Findlay, OH, Application for Subzone, W.C. Wood Company, Inc., Appliance Manufacturing Plant Ottawa, OH

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Community Development Foundation, grantee of FTZ 151, Findlay, Ohio, requesting special-purpose subzone status for the freezer manufacturing plant of W.C. Wood, Inc. (Wood) (subsidiary of W.C. Wood Company Limited, Canada), located in Ottawa, Putnam County, Ohio. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 28, 1991.

The Wood plant (80 acres, 100 employees) is located at 9444 Wood Drive in Ottawa, Ohio, 60 miles south of Toledo. The facility is used to produce private label, brand-name upright freezers for the domestic market and

export, replacing freezers formerly produced by affiliated plants in Canada. The only foreign-sourced components used in the manufacturing operation are compressors, which account for 12 percent of the finished freezers' value. The facility also serves as the firm's North American distribution center for other kitchen and home appliances, such as refrigerators and rangehoods, produced by the parent firm in Canada.

Zone procedures would exempt Wood from Customs duty payments on the foreign compressors and finished products that are re-exported. On its domestic sales, the company would be able to choose the duty rate that applies to finished upright freezers (2.9%). The rate on compressors is 3.4 percent. It would defer duty payments on finished appliances sourced abroad. The applicant indicates that zone savings will improve the plant's international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John F. Nelson, District Director, U.S. Customs Service, North Central Region, 55 Erieview Plaza, Cleveland, Ohio 44114; and, Major David P. Plank, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

Comments concerning the proposed foreign-trade subzone are invited from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before July 26, 1991.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 136 N. Summit Street, Toledo, OH 43604

Office of the Executive Secretary, Foreign-Trade Zones Boad, U.S. Department of Commerce, Room 3716, 14th Street and Constitution Avenue, NW., Washington, DC. 20230

Dated: June 4, 1991.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 91-13836 Filed 6-10-91; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administration

[A-588-005]

Final Results of Antidumping Duty Administrative Review; High Power Microwave Amplifiers and Components Thereof From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On April 5, 1991, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty finding on high power microwave amplifiers and components thereof from Japan (56 FR 2741). This review covers NEC Corporation (NEC), a manufacturer and/or exporter of the subject merchandise to the United States, for the period July 1, 1989, through June 30, 1990.

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. Based on our analysis, the final results are the same as those presented in the preliminary results of the review, in which we determined that no margins exist.

EFFECTIVE DATE: June 11, 1991.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane or Carole A. Showers, Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2815 or 377-3217, respectively.

SUPPLEMENTARY INFORMATION:

Case History

The preliminary results of this review were published April 5, 1991 (56 FR 14071). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act").

Scope of Review

The product covered by this review is high power microwave amplifiers and components thereof. High power microwave amplifiers are radio-frequency power amplifier assemblies, and components thereof, specifically designed for uplink transmission in C, X, and Ku bands from fixed earth stations to communications satellites and having a power output of one kilowatt or more. High power microwave amplifiers may be imported in subassembly form, as complete amplifiers, or as a component of higher level assemblies (generally earth stations). This merchandise is currently classifiable under item 8525.10.80 of the Harmonized Tariff Schedules (HTS). The HTS item number is provided for convenience and customs purposes. The written description remains dispositive.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. We received no comments.

The final results are the same as those presented in our preliminary results of review. The Department has determined that no dumping margins exist, since no shipments were made during the review period, and since in the most recent period in which shipments were made, the 1983/84 period, we found no margins for NEC. Accordingly, the Department will instruct the Customs Service not to require a cash deposit of estimated antidumping duties for NEC. Further, no cash deposit will be required for all other exporters/producers of this merchandise.

These deposit requirements are effective for all shipments of Japanese high power microwave amplifiers and components thereof entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act and § 353.22(c)(5) of the Department's regulations.

Dated: June 3, 1991.

Eric L. Garfinkel,
Assistant Secretary for Import Administration.

[FR Doc. 91-13837 Filed 6-10-91; 8:45 am]
BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

State Coastal Management Program and Estuarine Sanctuaries; Intent To Evaluate

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate the performance of a state coastal management program (CMP) and a

National Estuarine Research Reserve (NERR). The following lists the CMP and reserve to be evaluated and the dates of the site visit: Virgin Islands CMP, July 29—August 2, 1991; and the Wells (Maine) NERR, July 22–26, 1991.

Evaluation of coastal management programs will be conducted pursuant to section 312 of the Coastal Zone Management Act (CZMA) of 1972, as amended, which requires a continuing review of the performance of coastal states with respect to coastal management. The CZMA requires detailed findings regarding the extent to which a state has implemented and enforced the coastal management program approved by the Secretary of Commerce, addressed the coastal management needs identified in section 303(2)(A) through (K), and adhered to the terms of any grant, loan, or cooperative agreement funded under the CZMA. Evaluation of National Estuarine Research Services will be conducted pursuant to sections 312 and 315 of the CZMA, which require periodic review of a reserve's operation and management. The CZMA requires detailed findings regarding the extent to which a state has implemented the federally approved management plan for a NERR, and adhered to the terms of any grant, loan, or cooperative agreement funded under the CZMA. These reviews involve consideration of public comments, a site visit to the state, and consultations with interested Federal, state, and local agencies and with members of the public. A public meeting will be held as part of the site visit.

Notice is hereby given on the date, time, and location of a public meeting(s) for each of the site visits.

(1) The public meetings for the Virgin Islands evaluation will be Monday, July 29, 1991, at 7 p.m., St. Thomas, Legislative Conference Room, Charlotte Amalie; Wednesday, July 31, 1991, at 7 p.m., St. Croix, Legislative Conference Room, Christensted; and Thursday, August 1, 1991, at 7 p.m., St. Johns, Boulon Center, Cruz Bay.

(2) The public meeting for the Wells NERR (Maine) will be Tuesday, July 23, 1991, at 7 p.m., at the Wells NERR Visitor Center, Wells, Maine.

The respective states will issue notice of these meetings in local newspapers at least 45 days prior to the site visit. Copies of each state's most recent performance report, as well as OCRM's notification and supplemental request letter to the state, are available upon request from OCRM. Writen comments from all interested parties regarding each of these programs are encouraged at this time. Public comment will be accepted until seven days after the site visit. OCRM will place a subsequent notice in the **Federal Register** announcing the availability of the Final Findings based on the evalaution. FOR FURTHER INFORMATION OR TO DIRECT COMMENTS, CONTACT: Vickie Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235 (202/673–5100).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: June 4, 1991.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 91–13762 Filed 6–10–91; 8:45 am]

BILLING CODE 3510–08–M

Endangered and Threatened Wildlife and Plants; Identification of Candidate Species for Listing Under the Endangered Species Act

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of modification of list of candidate species.

SUMMARY: NMFS identifies marine species as candidates for possible addition to the List of Endangerd and Threatened Wildlife and Plants. NMFS is soliciting information concerning the status of these species and nominations of additional species that appear to warrant listing consideration. This notice is not a proposal for listing and the involved species do not receive substantive or procedural protection under the Endangered Species Act of 1973. NMFS does, however, encourage Federal agencies and other appropriate parties to take these species into account in project planning.

DATES: Comments may be submitted until further notice.

ADDRESSES: Comments should be sent to Dr. Nancy Foster, Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dean Wilkinson, Office of Protected Resources, NMFS, (301) 427–2322.

SUPPLEMENTARY INFORMATION: The Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*) requires determinations of whether species of wildlife and plants are endangered or threatened based on the best available scientific and commercial data. "Species" include any species or subspecies of fish, wildlife or plant, and any distinct population segment of any vertebrate species that interbreeds when mature. NMFS and the U.S. Fish and Wildlife Service share responsibilities under the ESA. With some exceptions, NMFS is responsible for species that reside all or the major portion of their lifetime in marine waters. Candidate species are those species identified for listing consideration. NMFS will conduct a review of the status of each candidate species to determine if it warrants listing as endangered or threatened under the ESA.

NMFS requests comments and solicits information concerning the status of species in the accompanying table, especially in regard to past and present population status and distribution; threats affecting the species; and, if appropriate, identification of critical habitat. NMFS solicits nominatioins of additional species that appear to warrant listing consideration; information on taxonomic changes for any of the listed species; and more appropriate common names.

The previous list was published on August 31, 1988, at 53 FR 33516. Since then, the status of four species has been changed resulting in their removal from the list. The northern (Steller) sea lion was listed as threatened on November 26, 1990, at 55 FR 49204. The Indus River dolphin was listed as endangered on January 14, 1991, at 56 FR 1463. On May 2, 1990, the U.S. Fish and Wildlife Service proposed that the Gulf of Mexico sturgeon be listed as threatened (55 FR 18357). A status review under the Marine Mammal Protection Act (MMPA) had been completed for the northern fur seal prior to the publication of the previous list. Subsequently, the preparation of a draft conservation plan for the species in 1990 involved additional analysis. NMFS has determined that although the northern fur seal is depleted under the MMPA, its status does not warrant listing as either endangered or threatened.

With this notice, 27 species are added to the list of candidate species.

NMFS is currently reviewing additional species of coral that may be eligible for inclusion on the list of candidate species. To ensure that the list is complete, NMFS actively solicits biological information and recommendations on potential candidate species of coral.

NMFS intends to consider all data received in response to this notice, to make appropriate amendments to the

accompanying table, and to indicate intentions with regard to future listing actions.

In the following table of candidate species, the common name appears as the first entry followed by the scientific name, the family name, and the area of distribution under consideration for listing.

Dated: June 5, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

Common name	Scientific name	Family	Area under consideration
Marine Mammals			
Amazon River Dolphin [1]	*Inia geoffrensis*	Iniidae	South America.
Bottlenose Dolphin [2]	*Tursiops truncatus*	Delphinidae	U.S. Mid-Atlantic Coastal Stock.
Harbor Porpoise [1] *	*Phocoena phocoena*	do	Northwest Atlantic.
Beluga Whale [1]	*Delphinapterus leucas*	Monodontidae	AK (Cook Inlet population).
Ganges River Dolphin [1]	*Platanista gangetica*	Platanistidae	India, Bangladesh, Nepal, Bhutan.
La Plata Dolphin [1]	*Pontoporia blainvillei*	Pontoporiidae	Brazil, Uruguay, Argentina.
Northern Bottlenose Whale	*Hyperoodon ampullatus*	Ziphiidae	North Atlantic.
Japanese Sea Lion	*Zalophus californianus japonicus*	Otariidae	Japan, North and South Korea.
Juan Fernandez Fur Seal	*Arctocephalus philippii*	do	Chile.
Kuril Seal	*Phoca vitulina stejnegeri*	Phocidae	USSR (Kuril Sea).
Saimaa Seal	*Phoca hispida saimensis*	do	Finland.
Reptiles			
Flatback Turtle	*Chelonia depressa*	Cheloniidae	Australia.
Fishes			
Gulf Surgeonfish *	*Acanthurus randalli*	Acanthuridae	Northeastern Gulf of Mexico.
Atlantic Sturgeon	*Acipenser oxyrhynchus*	Acipenseridae	North America—Atlantic Coastal Waters.
Key Silverside *	*Menidia conchorum*	Atherinidae	Florida.
Coelacanth *	*Latimeria chalumne*	Coelacanthidae	Indian Ocean.
Saltmarsh Topminnow *	*Fundulus jenkinsi*	Cyprinodontidae	Texas, Louisiana, Mississippi, Alabama, Florida.
River Goby *	*Awaous tajasica*	Gobiidae	Florida Population.
Slashcheek Goby *	*Gobionellus pseudofasciatus*	do	Do.
Tidewater Goby [3] *	*Eucyclogobius newberryi*	do	California.
Delta Smelt *	*Hypomesus transpacificus*	Osmeridae	California.
Largetooth Sawfish	*Pristis perotteti*	Pristidae	North and South America—Tropical and Sub-tropical Waters.
Smalltooth Sawfish	*Pristis pectinata*	do	Do.
Striped Croaker *	*Bairdiella sanctaeluciae*	Sciaenidae	Florida Population.
Monterey Mackerel *	*Scomberomorus concolor*	Scombridae	Gulf of California.
Blue Hamlet *	*Hypoplectrus gemma*	Serranidae	Florida Reef Tract.
Jewfish *	*Epinephelus itijara*	do	Coral Reefs in the Caribbean and Western North Atlantic.
Nassau Grouper *	*Epinephelus striatus*	do	Do.
Notchfin Schoolbass *	*Parasphyraenops incisus*	do	Jamaica, Puerto Rico, St. Croix.
Opposum Pipefish *	*Microphis brachyurus lineatus*	Syngnathidae	Northern Gulf of Mexico.
Molluaks			
Giant Clam	*Tridacna gigas*	Tridacnidae	Indo-Pacific.
Southern Giant Clam	*Tridacna derasa*	do	Do.
Coelenterates			
Starlet Sea Anemone	*Nematostella vectensis*	Edwardsiidae	U.K. and North America.
Corals			
Staghorn Coral *	*Acropora cervicornis*	Acroporidae	Western Atlantic.
Elkhorn Coral *	*A. palmata*	Acroporidae	Western Atlantic.
Flower Coral *	*Eusmilia fastigiata*	Faberiidae	Western Atlantic.
Knobby Brain Coral *	*Diploria clivosa*	Faviidae	Western Atlantic.
Grooved Brain Coral *	*D. labyrinthiformis*	do	Western Atlantic.
Pillar Coral *	*Dendrogyra cylindrus*	Meandrinidae	Western Atlantic.
Ivory Bush Coral *	*Oculina diffusa*	Oculinidae	Western Atlantic.
Ivory Tree Coral *	*O. valenciennesi*	do	Western Atlantic.
Finger Coral *	*Porites furcata*	Poritidae	Western Atlantic.
Black corals *	*Antipathes* spp.	Order: Antipathara	Western Atlantic.
Plants			
Johnson's Seagrass [1] *	*Halophila johnsonii*	Hydrocharitaceae	Florida.

* Indicates new addition to candidate species list.
[1] Status review under Endangered Species Act in progress.
[2] Status review under Marine Mammal Protection Act in progress.
[3] Status review being conducted by U.S. Fish and Wildlife Service.

[FR Doc. 91-13781 Filed 6-10-91; 8:45 am]

BILLING CODE 3510-22-M

Amerada Hess Corp., et al.; Incidental Take of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of request for a letter of authorization.

SUMMARY: NMFS has received requests from Amerada Hess Corp. and BP Exploration Inc. for Letters of Authorization that would allow a take of marine mammals (by harassment) incidental to exploration activities in the Beaufort Sea during the 1991/92 drilling season. Also, BP Exploration Inc. is withdrawing an earlier request published in the **Federal Register** on May 14, 1991 (58 FR 22155).

DATES: Comments should be received no later than July 11, 1991.

ADDRESSES: Dr. Nancy Foster, Director, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910. A copy of the requests may be obtained by writing to this address or by telephoning the contacts listed below.

FOR FURTHER INFORMATION CONTACT: Margaret C. Lorenz, Office of Protected Resources, NMFS, (301) 427–2322 or Ron Morris, Western Alaska Field Office, (907) 271–5006.

SUPPLEMENTARY INFORMATION:

Background

Regulations governing the taking of marine mammals incidental to oil and exploration activities in Alaska were published July 18, 1990 (55 FR 29214). The regulations are based on section 101(a)(5) of the Marine Mammal Protection Act and NMFS' determination that the taking of six species of marine mammals (bowhead, gray and beluga whales and bearded, ringed and spotted seals) incidental to exploratory activity in the Beaufort and Chukchi Seas will have a negligible impact on the species or stocks and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses. The regulations include permissible methods of taking, and require exploration companies to monitor the effects of their activities on marine mammals and to cooperate with the Alaska native communities to ensure that marine mammals are available for subsistence.

A Letter of Authorization must be requested annually by each group or individual conducting an exploratory activity where there is the likelihood of taking any of the six species of marine mammals identified in the regulations. NMFS grants the Letters based on a determination that the total level of taking by all applicants in any one year is consistent with the estimated level of activity used to make a finding of negligible impact and a finding of no unmitigable adverse impacts.

The regulations require the applicant to submit a request for a Letter of Authorization at least 90 days before the activity is scheduled to begin. NMFS must publish notices of each request in the **Federal Register** with an opportunity for public comment.

Requests for Letters of Authorization must include a plan of cooperation that identifies what measures have been and will be taken to minimize any adverse effects on the availability of marine mammals for subsistence uses. It must include a description of the activity including the methods to be used, the dates and duration of the activity, and the specific location. Also, it must include a site-specific plan to monitor the effects on marine mammals that are present during exploratory activities.

Summary of Request From Amerada Hess Corporation

On May 21, 1991, NMFS received a request from Amerada Hess Corp. for a Letter of Authorization that would allow non-lethal takes of marine mammals incidental to seismic exploration operations during the 1991 open-water season in the Beaufort Sea. Data will be collected by vessels towing acoustic energy source arrays and cables containing hydrophone receivers. Seismic exploration is expected to begin about August 1, 1991, in the central Beaufort Sea. The request includes a description of the specific operations Amerada Hess plans to conduct, the measures it will take to minimize any potential conflicts between those activities and subsistence hunting, and a plan to monitor the effects of the activities on marine mammals.

Summary of Request From BP Exploration, Inc.

On May 31, 1991, NMFS received a request from BP Exploration, Inc. for a Letter of Authorization that would allow non-lethal takes of marine mammals incidental to a shallow-hazard seismic exploration program in an area north of Camden Bay in the eastern Beaufort Sea during the open water period of 1991. BP has included a description of the specific activities it plans to conduct, the measures it will take to minimize any potential conflicts between those activities and subsistence hunting, and a plan to monitor the effects of the activities on marine mammals.

Also, BP is withdrawing its request for a Letter of Authorization submitted May 3, 1991, which concerned an exploratory coring program in the eastern Beaufort Sea during the 1991 open-water season.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 91–13780 Filed 6–10–91; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Determination; Excess Defense Articles (Individual Equipment Items, First Aid Kits and Vehicles)

ACTION: Correction.

This document is published to make administrative corrections. The Department of Defense published a determination on "Excess Defense Articles (Individual Equipment Items, First Aid Kits and Vehicles" on June 3, 1991 (56 FR 25071).

1. In column 2, paragraph 2, change "527(c)" to "517(c)"

2. In column 2, paragraph 3, change "and will determine" to "and determines"

All other information remains unchanges.

Dated: June 5, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–13783 Filed 6–10–91; 8:45 am]

BILLING CODE 3810-01-M

Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories; Meeting

AGENCY: Department of Defense (DoD) Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of Public Law 92–463, the "Federal Advisory Committee Act," notice is hereby given that the Federal Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories will hold a meeting on June 12, 1991, in the Washington, DC area. The meeting will convene at 8 a.m. This session will be closed to the public.

The purpose of this meeting is to discuss technological factors involved in developing recommendations to the Secretary of Defense on consolidating.

converting, or realigning various laboratories of the Department of Defense. The entire agenda for the meeting will consist of discussions of the key issues related to future military research and technology development. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive Order. Accordingly, the Director of Defense Research and Engineering has determined, in writing, that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552(c)(1) of Title 5, United States Code.

This Notice of the June, 1991 meeting of the Commission is being published late due to the need to accelerate the schedule to meet the reporting dates mandated in section 246 of the National Defense Authorization Act for 1991. Operational necessity constitutes an exceptional circumstance not allowing Notice to be published in the Federal Register at least 15 days before the date of this meeting.

For further information concerning this meeting, contact: Dr. Michael Heeb, Executive Secretary to the DoD Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories, 5109 Leesburg Pike, Suite 317 Falls Church, VA 22041 Phone (703) 756–8969.

Dated: June 5, 1991.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–13784 Filed 6–10–91; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

Privacy Act of 1974; Amend Systems of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Amend systems of records.

SUMMARY: The Department of the Air Force proposes to amend four existing systems of records and deleting one from its inventory of records systems notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

DATES: This action will be effective July 11, 1991, unless comments are received which result in a contrary determination.

ADDRESSES: Send any comments to Mrs. Anne Turner, SAF/AAIA, The Pentagon, Washington, DC 20330–1000. Telephone (202) 697–3491 or Autovon 227–3491.

SUPPLEMENTARY INFORMATION: The Department of the Air Force record systems notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a), have been published in the **Federal Register** as follows:

50 FR 22332 May 29, 1985 (DoD Compilation, changes follow)
50 FR 24672 Jun. 12, 1985
50 FR 25737 Jun. 21, 1985
50 FR 46477 Nov. 8, 1985
50 FR 50337 Dec. 10, 1985
51 FR 4531 Feb. 5, 1986
51 FR 7317 Mar. 5, 1986
51 FR 16735 May 6, 1986
51 FR 18927 May 23, 1986
51 FR 41382 Nov. 14, 1986
51 FR 44332 Dec. 9, 1986
52 FR 11845 Apr. 13, 1987
53 FR 24354 Jun. 28, 1988
53 FR 45800 Nov. 14, 1988
53 FR 50072 Dec. 13, 1988
53 FR 51301 Dec. 21, 1988
54 FR 10034 Mar. 9, 1989
54 FR 43450 Oct. 25, 1989
54 FR 47550 Nov. 15, 1989
55 FR 21770 May 29, 1990
55 FR 21900 May 30, 1990 (Air Force Address Directory)
55 FR 27868 Jul. 6, 1990
55 FR 28427 Jul. 11, 1990
55 FR 34310 Aug. 22, 1990
55 FR 38126 Sep. 17, 1990
55 FR 42625 Oct. 22, 1990
55 FR 42629 Oct. 22, 1990
55 FR 52072 Dec. 19, 1990
56 FR 1990 Jan. 18, 1991
56 FR 5804 Feb. 13, 1991
56 FR 12713 Mar. 27, 1991
56 FR 23054 May 20, 1991

The amendments are not within the purview of subsection (r) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) which requires the submission of an altered system report. The specific changes to the systems of records are set forth below followed by the systems of records notices published in their entirety, as amended.

Dated: June 5, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion

F053 AFA D

System name:

Registrar Records, (53 FR 24355, June 28, 1988).

Reason:

System is no longer needed. There are no plans to reinstate this system in the future.

Amendments

F011 AFA A

System name:

Class Committee Products, (50 FR 22340, May 29, 1985).

Changes:

* * * * *

Categories of records in the system:

Add "at the end of the semester." to the end of the paragraph.

* * * * *

Authority for maintenance of the system:

Delete entry and replace with "10 U.S.C. 9331, Establishment; superintendent; faculty."

Purpose(s):

Delete entry and replace with "Provides data on academically deficient cadets to Academic Review Committee who makes recommendations concerning cadets' future to the Academy Board."

* * * * *

F011 AFA A

SYSTEM NAME:

Class Committee Products.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

List of cadets academically deficient at progress reports; provides grades, military order of merit and other military and entrance data on cadets meeting committees; reports committee decisions and includes worksheets with coded recommendations to the Academy Board at the end of the semester.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; superintendent; faculty.

PURPOSE(S):

Provides data on academically deficient cadets to Academic Review Committee who makes recommendations concerning cadets' future to the Academy Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The "Blanket Routine Uses" published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms, cabinets, and in computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

Destroyed one year after graduation or when purpose has been served, whichever is sooner. Destruction is by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Dean of Faculty, United States Air Force Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Dean of Faculty, United States Air Force Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Dean of Faculty, United States Air Force Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records are compiled from cadet grading and rating cycles.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AFA A

System name:

Cadet Personnel Management System, (50 FR 22384, May 29, 1985).

Changes:

* * * * *

Categories of records in the system:

Delete entry and replace with "Cadet Personnel Record (CPR) consisting of temporary and permanent forms and documents including the CPR–1 which contains Oath of Allegiance; Cadet Acceptance Record; Statement of Consent; separation referral; appointment orders; disciplinary/punishment order; Commandant's Disciplinary Boards; disenrollment correspondence for reentry cadets; Declaration of Religious Denomination; Record of Emergency Data; Statement of Personal History; Certificates of Completion/Training; Serviceman's Life Insurance Election; citation/orders for decorations/awards; Language Proficiency Test; Statement of Travel; Ethnic/Race Identification; Disclosure of Cadet/Cadet Candidate Information; Cadet Outgoing Clearance; Separation Referral Checklist; Data for Parachutist Rating; Certificate of Release or Discharge; Application for ID Card; Line of Duty Determination; Individual Jump Records; USAF Drug Abuse Training Certificate; Squadron Change Order; Active Duty Service Commitment Acknowledgment Letter; Faculty Board Elimination from Flying Status; Title 10 U.S.C. Letter, World Service Life Insurance Election; small arms marksmanship training, and the CPR–2 which contains the Cadet Performance Report; Basic Cadet Evaluation Report; Cadet Conduct Summary; Cadet Interview/Evaluation; Cadet Personal Information; Evaluation of Cadet; Cadet Rating Form; Academic Probation Notification; Cadet Personal Data Summary Sheet; Individual Military Rating Summary; Conduct/Aptitude Probation Letters; Commandant's Disciplinary Boards (copies); Academy Board/Academic Review Committee actions (copies); Minutes of Eligibility Committee actions; Military Review Committee/Athletic Review Committee action; Upperclass Performance Summary; Professional Military Training Summary; Liaison Officer Candidate Evaluation; Evidence and statements gathered by the Honor Committee and a summary of the Honor Board proceedings; Summer Training Evaluation and Completion Record; current summer assignments and training preferences. Board Case File consists of proceedings, inquiries, and investigations; Counseling Record; Motor vehicle information, such as amount of loan, monthly payments, current financial data, insurance coverage, and record of accidents/citations."

Authority for maintenance of the system:

Add "and Executive Order 9397." to the end of the entry.

Purpose(s):

Delete entry and replace with "Used to evaluate and document cadet activity at the USAF Academy.

Case files are used by Cadet Honor representatives to investigate possible violations of the Honor Code and as evidence at cadet Honor Hearings. The case summaries are used for statistical record keeping and training in each squadron of Honor Committee activities.

Used to maintain a record of summer training accomplishments and assign cadets to summer training program to insure each cadet meets this graduation requirement.

Case files are used in board (disenrollment) actions initiated against cadets; by USAF Academy Superintendent in making a decision to refer cadets to board of officers, and by the Office of the Secretary of the Air Force in making final decisions on disenrollment action.

Counseling record is used by counselors to maintain record of transactions during counselling sessions.

Used to record pertinent information about a cadet's motor vehicle and a summary of past driving record. Provides authorities with immediate information concerning a cadet's motor vehicle for counseling and determining the cadet's financial ability to incur and repay a debt."

* * * * *

Exemptions claimed for the system:

Delete entry and replace with "Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

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F035 AFA A

SYSTEM NAME:

Cadet Personnel Management System.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Air Force Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cadet Personnel Record (CPR) consisting of temporary and permanent forms and documents including the CPR–1 which contains Oath of Allegiance; Cadet Acceptance Record; Statement of Consent; separation referral; appointment orders; disciplinary/punishment order; Commandant's Disciplinary Boards; disenrollment correspondence for reentry cadets; Declaration of Religious Denomination; Record of Emergency Data; Statement of Personal History; Certificates of Completion/Training; Serviceman's Life Insurance Election; citation/orders for decorations/awards; Language Proficiency Test; Statement of Travel; Ethnic/Race Identification; Disclosure of Cadet/Cadet Candidate Information; Cadet Outgoing Clearance; Separation Referral Checklist; Data for Parachutist Rating; Certificate of Release or Discharge; Application for ID Card; Line of Duty Determination; Individual Jump Records; USAF Drug Abuse Training Certificate; Squadron Change Order; Active Duty Service Commitment Acknowledgment Letter; Faculty Board Elimination from Flying Status; Title 10 U.S.C. Letter, World Service Life Insurance Election; small arms marksmanship training, and the CPR–2 which contains the Cadet Performance Report; Basic Cadet Evaluation Report; Cadet Conduct Summary; Cadet Interview/Evaluation; Cadet Personal Information; Evaluation of Cadet; Cadet Rating Form; Academic Probation Notification; Cadet Personal Data Summary Sheet; Individual Military Rating Summary; Conduct/Aptitude Probation Letters; Commandant's Disciplinary Boards (copies); Academy Board/Academic Review Committee actions (copies); Minutes of Eligibility Committee actions; Military Review Committee/Athletic Review Committee action; Upperclass Performance Summary; Professional Military Training Summary; Liaison Officer Candidate Devaluation; Evidence and statements gathered by the Honor Committee and a summary of the Honor Board proceedings; Summer Training Evaluation and Completion Record; current summer assignments and training preferences. Board Case File consists of proceedings, inquiries, and investigations; Counseling Record; Motor vehicle information, such as amount of loan, monthly payments, current financial data, insurance coverage, and record of accidents/citations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; Superintendent; faculty;

10 U.S.C. 9349, Cadets: organization; service; instruction, and Executive Order 9397.

PURPOSE(S):

Used to evaluate and document cadet activity at the United States Air Force Academy.

Case files are used by Cadet Honor representatives to investigate possible violations of the Honor Code and as evidence at cadet Honor Hearings. The case summaries are used for statistical record keeping and training in each squadron of Honor Committee activities.

Used to maintain a record of summer training accomplishments and assign cadets to summer training program to insure each cadet meets this graduation requirement.

Case files are used in board (disenrollment) actions initiated against cadets; by USAF Academy Superintendent in making a decision to refer cadets to board of officers, and by the Office of the Secretary of the Air Force in making final decisions on disenrollment action.

Counseling record is used by counselors to maintain record of confidential transactions during counselling sessions. Used to record pertinent information about a cadet's motor vehicle and a summary of past driving record.

Provides authorities with immediate information concerning a cadet's motor vehicle for counseling and determining the cadet's financial ability to incur and repay a debt.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The "Blanket Routine Uses" published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper files, in computers and on computer output products, cards and microform.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Permanent records are transferred to the Master Cadet Personnel Record which is retained permanently at the USAF Academy or placed in the officer's record. Any personal documents are returned to the individual. Temporary records are destroyed 90 days after graduation or disenrollment. Investigation files are destroyed after 1 year on first class cadets and after 6 months on second, third and fourth class cadets. Case files of Honor Hearings are destroyed after 5 years on guilty cases and after 1 year on not guilty and discretion cases. Summer training records are destroyed after 6 years on graduated cadets and after 4 years on disenrolled cadets. Case files on disenrolled cadets are transferred to the Master Cadet Personnel Record which is retained permanently at the USAF Academy. Case files on retained cadets are destroyed 3 months after cadet graduates. Counseling record is destroyed one year after graduation. Motor vehicle information is destroyed when superseded, no longer needed, or upon graduation, whichever is sooner. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of Cadets, Deputy Chief of Staff/Personnel, and Dean of Faculty, United States Air Force Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Commandant of Cadets, Deputy Chief of Staff/Personnel, and Dean of Faculty, United States Air Force Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests

to the Commandant of Cadets, Deputy Chief of Staff/Personnel, and Dean of Faculty, United States Air Force Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, counselors, educational institutions, academy authorities, cadets, automated system interfaces, source documents (such as reports), and from instructors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 AFA B

System name:

Master Cadet Personnel Record (Active/Historical), (50 FR 22385, May 29, 1985).

Changes:

* * * * *

Categories of records in the system:

Delete entry and replace with "(1) Active: Records used in the candidate selection process for the USAF Academy include high school records; admission test scores; candidate fitness test; medical qualification status; personnel data records; letter of recommendation and evaluation; personal data to include home address; telephone number; Social Security Number; population or ethnic group selections; height; weight; citizenship; statements of reasons for attending the Academy and preparatory school and college records, if applicable; service academy precandidate questionnaire; invitation to travel letter; transfer/validation credit information; Academy Board action; computer generated products containing academic grade information; parental addresses by state roster and verification of independent studies; computer listings of minority students by population or ethnic group; listings of international cadets; special order assigning cadets to the Cadet Wing; Cadet wing, squadron, and class alpha rosters, and matriculation rosters.

(2) Historical: Selected special orders (appointment, assignment, awards, separation, etc.); letters and records of resignation/separation actions, details of Honor violation (if applicable); selected letters to or from parents; Permanent Record Card; decisions of committees, boards, and investigations (if applicable); high school and college transcripts; College Entrance Examination Board test scores; personnel data records, and biographical data; computer generated products reflecting academic grade information; grade and quality point averages; course grade distributions; overall military and academic orders of merit; selected dependents on merit lists; military parents; cadets whose fathers are general officers; graduation data; majors awarded; types of degrees conferred, and documents pertaining to awards, academic and military honors."

Authority for maintenance of the system:

Add "and Executive Order 9397." to the end of the entry.

Purpose(s):

Delete entry and replace with "(1) Active: These records form the nucleus of the Master Cadet Personnel Record for candidates selected to attend the Academy. These records are used to record the academic, athletic and military training histories of cadets who attend the Academy. They provide a means of checking the performance of each cadet, recording all grades for completed courses, computing grade point averages, identifying deficiencies, and insuring all requirements for graduation are met. Grade information is used by cadets, Academy instructors, counselors, and advisors in selecting majors, determining academic requirements for specific majors, and scheduling courses. Computer listings are also used by faculty and staff members to readily identify cadets by squadron, class, and population or ethnic group. Academic Review Committees and the Academy Board use these records to evaluate cadet performance and to determine eligibility for continuance at the Academy.

(2) Historical: These records form a complete history of each cadet who attended the Academy. They record academic, athletic, and military performance of each cadet and to coordinate statistics relating to the cadet strength and attrition. Files are reviewed by organizations within the Department of Defense to determine qualifications for assignments; by Air Force Reserve Officer Training Corps (AFROTC), recruiting and medical services units to determine qualifications and eligibility for training programs and for military service, and by the Air Force Military Personnel Center (AFMPC) to confirm or recreate a military service record."

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Delete entry and replace with "Files are disclosed to the Federal Bureau of Investigation for conducting background investigations for security clearances, and to the Veterans Administration for determining eligibility for benefits.

Academic and personnel information is released to nominating officials, and to the Western Athletic Conference (WAC) officials on cadets participating in WAC-sponsored intercollegiate athletics.

The "Blanket Routine Uses" published at the beginning of the Air Force's compilation of systems of records notices apply to this system."

* * * * *

Retention and disposal:

Delete entry and replace with "Temporary documents are destroyed 90 days after disenrollment or graduation. Permanent documents are microfilmed one year after graduation. The microfilm is retained permanently in the office of the Registrar. Paper copy is destroyed after 6 years. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting."

System manager(s) and address:

Delete entry and replace with "Registrar, United States Air Force Academy, CO 80840–5000."

* * * * *

F035 AFA B

SYSTEM NAME:

Master Cadet Personnel Record (Active/Historical).

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former USAF Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Active: Records used in the candidate selection process for the USAF Academy include high school records; admission test scores; candidate fitness test; medical qualification status; personnel data records; letter of recommendation and evaluation; personal data to include home address; telephone number; Social Security Number; population or ethnic group selections; height; weight; citizenship; statements of reasons for attending the Academy and preparatory school and college records, if applicable; service academy precandidate questionnaire; invitation to travel letter; transfer/validation credit information; Academy Board action; computer generated products containing academic grade information; parental addresses by state roster and verification of independent studies; computer listings of minority students by population or ethnic group; listings of international cadets; special order assigning cadets to the Cadet Wing; Cadet wing, squadron, and class alpha rosters, and matriculation rosters.

(2) Historical: Selected special orders (appointment, assignment, awards, separation, etc.); letters and records of resignation/separation actions, details of Honor violation (if applicable); selected letters to or from parents; Permanent Record Card; decisions of committees, boards, and investigations (if applicable); high school and college transcripts; College Entrance Examination Board test scores; personnel data records, and biographical data; computer generated products reflecting academic grade information; grade and quality point averages; course grade distributions; overall military and academic orders of merit; selected dependents on merit lists; military parents; cadets whose fathers are general officers; graduation data; majors awarded; types of degrees conferred, and documents pertaining to awards, academic and military honors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; superintendent: faculty, and Executive Order 9397.

PURPOSE(S):

(1) Active: These records form the nucleus of the Master Cadet Personnel Record for candidates selected to attend the Academy. These records are used to record the academic, athletic and military training histories of cadets who attend the Academy. They provide a means of checking the performance of each cadet, recording all grades for completed courses, computing grade point averages, identifying deficiencies, and insuring all requirements for graduation are met. Grade information is used by cadets, Academy instructors, counselors, and advisors in selecting majors, determining academic requirements for specific majors, and scheduling courses. Computer listings are also used by faculty and staff members to readily identify cadets by squadron, class, and population or ethnic group. Academic Review Committees and the Academy Board use these records to evaluate cadet performance and to determine eligibility for continuance at the Academy.

(2) Historical: These records form a complete history of each cadet who attended the Academy. They record academic, athletic, and military performance of each cadet and to coordinate statistics relating to cadet strength and attrition. Files are reviewed by organizations within the Department of Defense to determine qualifications for assignments; by Air Force Reserve Officer Training Corps (AFROTC), recruiting and medical services units to determine qualifications and eligibility for training programs and for military service, and by the Air Force Military Personnel Center (AFMPC) to confirm or recreate a military service record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Files are disclosed to the Federal Bureau of Investigation for conducting background investigations for security clearances, and to the Veterans Administration for determining eligibility for benefits.

Academic and personnel information is released to nominating officials, and to the Western Athletic Conference (WAC) officials on cadets participating in WAC-sponsored intercollegiate athletics.

The "Blanket Routine Uses" published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Maintained in file folders, in computers, on computer output products, and on microfilm.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties, who are properly screened and cleared for need-to-know. Records are stored in locked file containers, cabinets, vaults or rooms, and in computerized data storage devices controlled by computer system software.

RETENTION AND DISPOSAL:

Temporary documents are destroyed 90 days after disenrollment or graduation. Permanent documents are microfilmed one year after graduation. The microfilm is retained permanently in the office of the Registrar. Paper copy is destroyed after 6 years. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, United States Air Force Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Registrar, United States Air Force Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Registrar, United States Air Force Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from forms the individual fills out during the admissions process; other educational institutions; College Entrance Examination Board and American College Testing scores; Air Force medical examination; individual and personnel records; grades; tests; examinations given at the Academy; high school and college transcripts, and from actions taken by the Academy Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure would

reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part B06b. For additional information contact the system manager.

F035 AFA C

System name:

Prospective Instructor Files, (50 FR 46477, November 8, 1985).

Changes:

* * * *

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Add "and in computers and on computer output products." to the end of the sentence.

* * * * *

F035 AFA C

SYSTEM NAME:

Prospective Instructor Files

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel applying for instructor duty at the Air Force Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of Application for Instructor Duty; college transcripts; past Officer Effectiveness Reports; Officer Uniform Assignment Brief which may contain prior assignment information, aeronautical rating information, general personnel data including security clearance, date of birth, marital status, and promotion dates; correspondence between individual and department; evaluations on individual's suitability, and record of personal interview.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; superintendent; faculty.

PURPOSE(S):

Used to determine qualification, availability and location of potential instructors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The "Blanket Routine Uses" published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, or no longer needed for reference. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Personnel, United States Air Force Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Deputy Chief of Staff/Personnel, United States Air Force Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Deputy Chief of Staff/Personnel, United States Air Force Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, previous employers, educational institutions and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 91–13785 Filed 6–10–91; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before July 11, 1991.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, attention: Dan Chenok: Desk Officer, Department of Education, Office of Managment and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washinagton, DC 20202.

FOR FURTHER INFORMATION CONTACT: Mary P. Liggett (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Managment and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection

requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Mary P. Liggett at the address specified above.

Dated: June 5, 1991.

Mary P. Liggett,

Acting Director, Office of Information Resources Management.

Office of Elementary and Secondary Education

Type of Review: Revisions.

Title: Application for Assistance of State Educational Agencies under the Steward B. McKinney Homeless Assistance Act, Title VII.

Frequency: Annually.

Affected Public: State or local governments.

Reporting Burden:

Responses: 55.

Burden Hours: 1155.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: This form will be used by State Educational Agencies to apply for funding under the Steward B. McKinney Homeless assistance Act. The Department uses the information to make grant awards.

Office of Intergovernmental and Interagency Affairs

Type of Review: Reinstatement.

Title: Presidential Academic Fitness Awards (PAFA) School Participation Order Form.

Frequency: Annually.

Affected Public: Individuals or households; State or local governments; Non-profit institutions.

Reporting Burden:

Responses: 52,000.

Burden Hours: 17,333.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: Schools who participate in the Presidential Academic Fitness Awards Program submit this form to the Department. The Department uses this information to make awards.

[FR Doc. 91-13755 Filed 6-10-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Floodplain and Wetland Involvement Notification for Proposed Construction of the Main Injector at Fermi National Accelerator Laboratory, Batavia, IL

AGENCY: Department of Energy.

ACTION: Public notice of comment period on floodplain/wetland involvement.

SUMMARY: The Department of Energy (DOE) proposes to construct a 150 GeV (Giga electron Volt) proton synchrotron (Main Injector) at Fermi National Accelerator Laboratory, which is situated on Federally owned lands under the jurisdiction of the U.S. Department of Energy (DOE). All activities related to the proposed project will occur within a restricted area of approximately 135 acres on the Federally owned property.

In accordance with the DOE Regulations for Compliance with Floodplain/Wetlands Environmental Review Requirements (10 CFR part 1022), DOE will prepare a floodplain and wetland assessment to be incorporated in the appropriate National Environmental Policy Act document for the proposed action. DOE's decision concerning the floodplain/wetlands action would be documented in a statement of findings and incorporated into DOE's finding of no significant impact or environmental impact statement, as appropriate.

DATES: Any comments are due on or before June 26, 1991.

ADDRESS: Send written comments to Andrew E. Mravca, Area Manager, P.O. Box 2000, Batavia, Illinois 60510.

SUPPLEMENTARY INFORMATION: The proposed Main Injector would provide a national facility for advancing the frontiers of high-energy particle physics research. The Main Injector would be an oval-shaped below grade enclosure with a circumference of about 10,900 feet. The Main Injector construction would also include construction of a shielding berm around the below grade enclosure, cooling ponds around much of the shielding berm, a 345 kV overhead power line, several service buildings around the enclosure, and an industrial building for component fabrication and assembly of many of the Main Injector magnets. Construction would require the filling of portions of five wetland areas which are seasonally or intermittently flooded. Three wetlands are palustrine forested wetlands, one is a lower perennial riverine wetland and another is a palustrine emergent wetland. The five wetlands total 87.60 acres in size; 7.14 acres would be filled during construction, but only 5.70 acres of fill would be permanent. Main Injector construction would also fill a portion of the existing 100-year floodplain of Indian Creek, a tributary of the Fox River. The flow of Indian Creek and its tributaries would be temporarily diverted during construction to keep immediate construction areas dry. Normal water levels would be restored when construction work in the Indian Creek area is completed. Portions of Indian Creek flow would be diverted around the Main Injector during flood conditions. The flow would be diverted into and through two cooling ponds. In accordance with DOE's regulations for compliance with floodplain/wetlands environmental review requirements (10 CFR part 1022), DOE will prepare a floodplain/wetlands assessment. Consultations with the U.S. Army Corps of Engineers (COE) and the Illinois Department of Transportation/Division of Water Resources (IDOT/DWR) have been initiated, and required permit applications and mitigation plans have been submitted for approval by the appropriate agency.

A replacement wetland (totaling 8.55 acres) is proposed to be constructed adjacent to Indian Creek; therefore, the new wetland is proposed to be constructed in the same watershed as the wetlands that would be disturbed. The area proposed for the replacement wetland supports hydric soils and would be graded to match the grade of the adjacent wetland to insure sufficient hydrology is obtained for wetland establishment and success. Soil removed from the disturbed wetlands would be utilized to provide a seedbank for the created wetland area. Additionally, saplings of silver maple and other species, such as box elder and green oak that are characteristic of adjacent wetlands, would be planted. The proposed project also would include the creation of 29 acre-feet of floodwater storage capacity to compensate for construction of the Main Injector within the floodplain. DOE proposes to maintain the existing watershed characteristics within the project site and the surrounding areas. Detailed engineering specifications for the proposed replacement wetland would be provided to the COE prior to construction, and a 5-year monitoring program would document the wetland mitigation area according to appropriate performance criteria. Maps and further

information are available from the address shown above.

James F. Decker,

Acting Director, Office of Energy Research.

[FR Doc. 91-13724 Filed 6-10-91; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award; Energy Child Development Center, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of a noncompetitive grant award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b)(2)(i)(B) and (G), it is making a noncompetitive award to Energy Child Development Center, Inc. (ECDC), under Grant Number DE-FG01-91AD69085. The grant will provide funding up to the amount of $112,000 ($50,000 was obligated on May 22, 1991). The purpose of the grant is to provide start-up funds to the ECDC for operation of the Department of Energy Forrestal child care and development facility (the "facility") which will provide child care and development services for Federal employees.

The child care and development center project is necessary to support the Department's mission. This relationship to mission was defined by the Secretary in the "Determination to Establish Child Care Centers in Department of Energy Facilities in Forrestal and Germantown" dated April 4, 1989. The DOE support of this program should assist the Department in furthering certain statutorily recognized social goals such as equal employment opportunities. The ECDC, a non-profit corporation established and controlled by DOE employees, has been actively involved, since its inception in 1989, in Departmental efforts to establish a child care and development facility. ECDC members have participated in the design and equipment of the facility and in the development of a curriculum for all stages of child development. This organization is the only company chartered specifically to provide child care and development services at the facility and is therefore uniquely positioned to operate and manage the facility.

Based on the findings made above regarding the uniqueness of this corporate entity and the public interest served in the award of this grant, the restriction of 10 CFR 600.7(c)(2) regarding eligibility of an organization substantially owned or controlled by one or more current DOE employees has been waived.

The period of performance is from May 22, 1991 to May 21, 1992.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, Attn.: Rosemarie H. Marshall, 1000 Independence Avenue, SW., Washington, DC 20585.

Jeffrey Rubenstein,

Director, Operations Division "A," Office of Placement and Administration.

[FR Doc. 91-13840 Filed 6-10-91; 8:45 am]

BILLING CODE 6450-01-M

Advisory Committee on Nuclear Facility Safety; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Advisory Committee on Nuclear Facility Safety (ACNFS).

Date & Time: Thursday, June 27, 1991, 8 a.m. to 6 p.m.

Place: Department of Energy Headquarters, room 1E257, 1000 Independence Avenue, SW., Washington, DC 20585.

Contact: Wallace R. Kornack, Executive Director, ACNFS, AC-21, 1000 Independence Avenue, SW., Washington, DC 20585, 202/586-1770.

Purpose of the Committee: The Committee was established to provide the Secretary of Energy with advice and recommendations concerning the safety of the Department's production and utilization facilities, as defined in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

Tentative Agenda

Thursday June 27, 1991

8 a.m. Chairman John F. Ahearne Opens Meeting, Status Reports on Rocky Flats Plant, Review of Selected Technical Issues.
12 noon Lunch.
1 p.m. Meeting Resumes, Review of Selected Technical Issues, Subcommittee Reports, Committee Business.
5:30 p.m. Chairman Ahearne Opens Public Comment Session.
6 p.m. Meeting ends.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Wallace Kornack at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 6, 1991.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 91-13842 Filed 6-10-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. QF91-59-000, et al.]

Zond Sky River Development Corp. et al., Electric Rate, Small Power Production, and Interlocking Directorate Filings

June 3, 1991.

Take notice that the following filings have been made with the Commission:

1. Zond Sky River Development Corporation and ESI Sky River Limited

[Docket No. QF91-59-000]

On May 21, 1991, Zond Sky River Wind Development Corporation and ESI Sky River Limited tendered for filing an amendment to their filing in this docket.

The amendment provides additional information relating to resumption of processing due to implementation of Public Law 102-46.

Comment date: July 2, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. Zond Victory Garden Phase IV Development Corporation and ESI VG Limited Partnership

[Docket No. QF91-67-000]

On May 21, 1991, Victory Garden Phase IV Development Corporation and ESI VG Limited Partnership tendered for filing an amendment to their filing in this docket.

The amendment provides additional information relating to resumption of processing due to implementation of Public Law 102-46.

Comment date: July 2, 1991, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13763 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5867-021]

Alice Falls Hydro Partners, L.P.; Notice of Availability of Environmental Assessment

June 5, 1991.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application for amendment of license to change the powerhouse design and install two turbines at the Alice Falls Project on the AuSable River in Clinton and Essex Counties, New York. The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, staff concludes that approval of the amendment of license would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's Offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13774 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-2135-000, et al.]

United Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

June 3, 1991.

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Co.

[Docket No. CP91-2135-000]

June 3, 1991.

Take notice that on May 30, 1991, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP91-2135-000 a prior notice request with the Commission pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) to construct and operate a sales tap and related facilities for deliveries of natural gas to Trade and Development Corporation (TDC) for service to Cobra Pipeline Company (Cobra) in Hinds County, Mississippi, under United's blanket certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Specifically, United proposes to construct and operate a 2-inch sales tap for the delivery of natural gas to TDC to serve Cobra under United's Rate Schedule ITS. United estimates that deliveries to TDC would be 400 Mcf on a peak day and 146,000 Mcf on an annual basis. United states that it has sufficient capacity to make the deliveries without detriment or disadvantage to its other existing customers. It is estimated that the cost of constructing the facilities would be $6,558, and it is stated that United would be reimbursed by Cobra for the installation costs. It is asserted that United and TDC have an executed transportation agreement and that once the proposed facilities are installed, United will file a request for transportation authorization pursuant to § 284.223 of the Commission's Regulations.

Comment date: July 18, 1991, in accordance with Standard Paragraph G at the end of this notice.

2. Williston Basin Interstate Pipeline Co.

[Docket No. CP91-2132-000]

June 3, 1991.

Take notice that on May 30, 1991, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP91-2132-000, a request pursuant to §§ 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act, to abandon two sales taps and appurtenant facilities located in Yellowstone County, Montana, pursuant to its blanket certificate authorization issued in Docket No. CP82-487-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williston Basin states that the sales taps will be abandoned in place and such abandonment will not have a significant adverse impact on the environment. Williston Basin states that it has been advised by Montana-Dakota Utilities Company (Montana-Dakota) that service is no longer required through the taps because the end-use customers currently served from the taps will now receive service through extensions of Montana-Dakota's distribution gas lines.

Comment date: July 18, 1991, in accordance with Standard Paragraph G at the end of this notice.

3. Florida Gas Transmission Co.

[Docket No. CP91-2086-000]

June 4, 1991.

Take notice that on May 21, 1991, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP91-2086-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing FGT to increase the levels of firm service to certain sales customers, starting with the 1991 October season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

FGT proposes to increase maximum daily contract quantities for the October season and maximum annual contract quantities to serve the following customers: the City of Clearwater (Clearwater), Florida Public Utilities Company (FPUC), Fort Pierce Utilities Authority (Ft. Pierce), Lake Apopka Natural Gas District (Lake Apopka), Okaloosa County Gas District (Okaloosa), St. Joe Natural Gas Company (St. Joe), West Florida Natural Gas Company (West Florida), the City of Tallahassee (Tallahassee), the City of Blountstown (Blountstown), the City of Crescent (Crescent), Sebring Gas System (Sebring), Aluminum Company of America (ACA), Kissimmee Utility Authority (Kissimmee), and City of Vero Beach (Vero Beach). The increases are proposed for service prior to completion of Phase II expansion and for service after Phase II expansion. FGT proposes the following increases for the above referenced customers:

	Phase I (Dth)		Phase II (Dth)	
	Daily	Annual	Daily	Annual
Rate Schedule G:				
Clearwater	1,008	31,248	2,566	79,546
FPUC	3,080	95,480	6,000	186,000
Ft. Pierce	763	23,653	1,942	60,202
Lake Apopka	1,381	42,811	3,516	108,996
Okaloosa	0	0	8,020	248,620
St. Joe	66	2,046	169	5,239
West Florida	1,254	38,874	0	0
Tallahassee	0	0	3,482	107,942
Rate Schedule SGS:				
Blountstown	39	1,209	99	3,069
Crescent	5	155	13	403
Sebring	83	2,573	211	6,541
Direct Firm Sales:				
ACA	1	31	3	93
Kissimmee	273	8,463	695	21,545
Vero Beach	1,065	33,015	2,710	84,010
Total	24,226	751,106	59,067	1,831,077

FGT asserts that the proposed increase in service to certain customers is due to the availability of incremental capacity on FGT's system in the season of October. As such FGT further asserts that it has sufficient supply and capacity and is capable of delivering the additional firm sales volumes. In addition to the above sales customers, FGT asserts that it will increase firm transportation services in the October season to five transportation customers in the following amounts: [1]

[1] Authorization to transport the increased levels of firm transportation services will be requested by FGT by separate prior notice filings in accordance with Sections 157.205 and 284.223 of the Commission's regulations.

	Phase I (Dth)		Phase II (Dth)	
	Daily	Annual	Daily	Annual
Rate Schedule FTS-1	15,208	471,448	29,641	918,871

FGT asserts that the above increases for firm sales and transportation services for the October season was made available in accordance with the Commission's regulations and Order Nos. 436 and 500, *et seq.* FGT further asserts that it has executed firm service agreements with all 19 customers.

Comment date: June 25, 1991, in accordance with Standard Paragraph F at the end of this notice.

4. Midwestern Gas Transmission Co. and Tennessee Gas Pipeline Co.

[Docket Nos. CP91-2130-000, and CP91-2131-000]

June 4, 1991.

Take notice that on May 30, 1991, Midwestern Gas Transmission Company, P.O. Box 2511, Houston, Texas 77252, and Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificate issued in Docket No. CP90-174-000 and Docket No. CP87-115-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[2]

[2] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under Section 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: July 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2130-000 (5-30-91)	Neste Oy (Producer)	50,000 50,000 18,250,000	TN, IL, IN, KY	IL, IN, KY	4-18-91, IT-1, Interruptible.	ST91-8676-000 5-1-91
CP91-2131-000 (5-30-91)	Libra Marketing Company (Marketer).	50,000 50,000 18,250,000	Various	Various	4-17-91, IT, Interruptible.	ST91-8718-000 4-29-91

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

5. Great Lakes Gas Transmission Limited Partnership, et al.

[Docket Nos. CP91–2115–000, CP91–2117–000, and CP91–2118–000]

June 4, 1991.

Take notice that Great Lakes Gas Transmission Limited Partnership, Suite 1600, One Woodward Avenue, Detroit, Michigan 48226, and High Island Offshore System, 500 Renaissance Center, Detroit, Michigan 48243, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP89–2198–000 and by the Commission's Order No. 509 corresponding to the rates, terms and conditions filed in Docket No. RP89–82–000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[3]

[3] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: July 19, 1991, in acordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91–2115–000 (5–24–91)	Utilicorp United, Inc., dba NMU (LDC).	1,266 1,266 270,924	MN	MI	10–18–90, FT, Firm	ST91–8576–000 4–1–91
CP91–2117–000 (5–24–91)	CMS Gas Marketing Company (Marketer).	145,000 145,000 52,925,000	OLA, OTX	OLA, OTX	1–1–91, IT, Interruptible.	ST91–8204–000 4–1–91
CP91–2118–000 (5–24–91)	CATEX Energy Inc. (Marketer).	1,450,000 1,450,000 529,250,000	OLA, OTX	OLA, OTX	4–1–91, IT, Interruptible.	ST91–8205–000 4–1–91

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

Northwest Pipeline Corp. and United Gas Pipe Line Co.

[Docket Nos. CP91–2133–000, CP91–2134–000, and CP91–2136–000]

June 4, 1991

Take notice that Applicant filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[4]

Information applicable to each transactions, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: July 19, 1991, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Applicant: Northwest Pipeline Corporation, 295 Chipeta Way, Salt Lake City, UT 84108

Blanket Certificate Issued in Docket No.: CP86–578–000

Docket No. (date filed)	Shipper name (type shipper)	Peak day, avg., annual [1]	Points of		Start up date, rate schedule	Related dockets [2]
			Receipt	Delivery		
CP91–2133–000 (05–30–91)	Biomass One L.P. (End-user).	5,000 2,300 840,000	All Northwest P/L points.	All Northwest P/L points.	04–29–91,TI–1	ST91–8782–000
CP91–2134–000 (05–30–91)	Greeley Gas Company (LCD).	540 540 197,000	CO	CO	05–01–91, TF–1	ST91–8783–000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] If an ST docket is shown, 120-day transportation service was reported in it.

Applicant: United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251–1478

Blanket Certificate Issued in Docket No.: CP88–6–000

Docket No. (date filed)	Shipper name (type shipper)	Peak day, avg., annual [1]	Points of		Start up date, rate schedule	Related dockets [2]
			Receipt	Delivery		
CP91-2136-000 (05-30-91)	NERCO Oil & Gas, Inc. (Producer).	77,250 77,250 28,196,250	LA	LA	03-15-91, ITS	ST91-8525-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] If an ST docket is shown, 120-day transportation service was reported in it.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person of the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13765 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD91-07085T Oklahoma-3]

State of Oklahoma; Notice of Determination Designating Tight Formations

June 5, 1991.

Take notice that on May 28, 1991, the Oklahoma Corporation Commission for the State of Oklahoma (Oklahoma) submitted the above-referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the Upper and Lower Cherokee (Red Fork) Formations, located in portions of Custer, Washita, Beckham, and Roger Mills Counties, Oklahoma, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The notice of determination is a resubmittal of Oklahoma's June 30, 1982 tight formation recommendation under Docket No. RM79-76-125 (Oklahoma-3), which the Commission remanded to Oklahoma in Order No. 465, issued February 27, 1987.

The notice of determination covers the following areas: Township 11 North, Ranges 19 and 20 West in Washita County, Ranges 21 and 22 West in Beckham County, and Range 23 West in Beckham and Roger Mills Counties; Township 12 North, Ranges 19 and 20 West in Custer County, Ranges 21 and 22 West in Beckham and Roger Mills Counties, and Ranges 23 through 25 West in Roger Mills County; Township 13 North, Ranges 19 and 20 West in Custer County, and Ranges 21 through 26 West in Roger Mills County; Township 14 North, Ranges 19 and 20 West in Custer County, Ranges 21 through 26 West in Roger Mills County; and Township 15 North, Ranges 25 and 26 West in Roger Mills County, Oklahoma. The notice of determination also contains Oklahoma's findings supplementing Oklahoma's original recommendation and findings, that the referenced portions of the Upper and Lower Cherokee (Red Fork) Formations meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The notice of determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR, §§ 275.203 and 275.204, within 20 days after the date this notice is issued by the Commisison.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13769 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-1-000]

Alabama-Tennessee Natural Gas Co.; Notice of Proposed PGA Rate Adjustment

June 4, 1991.

Take notice that on May 31, 1991, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet:

Twenty Sixth Revised Sheet No. 4

The tariff sheet is proposed to become effective July 1, 1991. Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers.

Alabama-Tennessee has requested any necessary waivers of the Commission's Regulations in order to permit the tariff sheets to become effective as proposed.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional sales and

transportation customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with rule 211 or rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13767 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-1-31-000]

Arkla Energy Resources a Division of Arkla, Inc.; Notice of Tariff Filing

June 4, 1991.

Take notice that on May 31, 1991, Arkla Energy Resources ("AER"), a division of Arkla, Inc., filed primary and alternate revised tariff sheets to Second Revised Volume No. 1 and First Revised Volume No. 1-A of its FERC Gas Tariff, with a proposed effective date of July 1, 1991. AER states that these tariff sheets are filed in order to reflect the annual throughput determinants underlying its currently effective rates and revise its commodity charge accordingly. The revision is required under §§ 14.2(d) and 19.2(d) of the General Terms and Conditions of AER's FERC Gas Teriff, which the Commission accepted on January 10, 1991 in Docket No. RP91-49-000 (54 FERC 61,011).

AER states that both the primary and the alternate tariff sheets revise its commodity charge based on the annual throughput determinants underlying AER's motion rates filed on May 31, 1991 in AER's general section 4 rate proceeding in Docket No. RP91-65. AER has also filed workpapers supporting the recalculation of the charge.

AER states that the base rates underlying the primary tariff sheets include as gas plant in service those costs associated with AER's interest in the capacity of Line AC which were included in AER's December 31, 1990 filing in Docket No. RP91-65. The Line AC costs have been eliminated from gas plant in service in the alternate tariff sheets.[1] The Commission's decision as to which tariff sheets to accept in this proceeding will be governed by its decision regarding AER's motion rate filing in Docket No. RP91-65.

AER states that a copy of the accompanying tariff sheets has been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13771 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-31-000]

Arkla Energy Resources; Notice of Filing of Revised Tariff Sheets Reflecting Quarterly PGA Adjustment

June 5, 1991.

Take notice that on June 3, 1991, Arkla Energy Resources (AER), a division of Arkla, Inc., tendered for filing six copies of the following revised tariff sheets to become effective July 1, 1991:

Rate Schedule No. X-26

Original Volume No. 3
Thirteenth Revised Sheet No. 185.1

Rate Schedule No. G-2

Second Revised Volume No. 1
Fourth Revised Sheet No. 11

Rate Schedule No. CD

Second Revised Volume No. 1
Fourth Revised Sheet No. 16

In the alternative, AER submits six copies of the following alternate revised tariff sheets, applicable to Rate Schedule No. G-2 and Rate Schedule No. CD, to become effective July 1, 1991 if the revised sheets listed above are rejected by the Commission.

Rate Schedule No. G-2

Second Revised Volume No. 1
Alternate Fourth Revised Sheet No. 11

Rate Schedule No. CD

Second Revised Volume No. 1
Alternate Fourth Revised Sheet No. 16

The only difference between the revised and the alternate revised tariff sheets in this filing is that the non-gas rates included in the revised tariff sheets, except the tariff sheets pertaining to Rate Schedule X-26, include as gas plant in service those costs associated with AER's interest in the capacity of Line AC which were included in AER's December 31, 1990 filing in Docket No. RP91-65. The Line AC costs have been eliminated from gas plant in service in the alternate revised tariff sheets. The Commission's decision as to which set of tariff sheets to accept in this proceeding will be governed by its decision regarding AER's motion rate filing made today in Docket No. RP91-65.

These tariff sheets reflect AER's first quarterly PGA filing made subsequent to its annual PGA effective April 1, 1991 under the Commission's Order Nos. 483 and 483-A.

The proposed changes reflect an increase in AER's system cost of $111,006 and would increase its revenue from jurisdictional sales and service by $5,070 for the PGA period of July, August, and September 1991 as adjusted.

AER has changed to a unit of sales methodology in this PGA filing pursuant to the provisions of its PGA tariff and computation of the current adjustment has been made in accordance with the requirements of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 12, 1991. Protests will be considered by the Commission in determining the appropriate acton to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

[1] AER was issued a certificate of public convenience and necessity for Line AC under section 7(c) of the Natural Gas Act on January 17, 1991 (54 FERC 61,033). AER accepted its Line AC certificate by letter filed April 26, 1991.

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13777 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-32-000]

Colorado Interstate Gas Co.; Notice of Filing

June 4, 1991.

Take notice that on May 31, 1991, Colorado Interstate Gas Company ("CIG") submitted for filing, as part of its Original Volume No. 1 FERC Gas Tariff, six copies of the following proposed tariff sheets:

Seventh Revised First Revised Sheet No. 7.1
Seventh Revised First Revised Sheet No. 7.2
Seventh Revised First Revised Sheet No. 8.1
Seventh Revised First Revised Sheet No. 8.2

CIG states that the instant purchased gas adjustment (PGA) filing is made pursuant to § 154.308 of the Commission's Regulations implementing Order 483, *et seq.* The tariff rates underlying Seventh Revised First Revised Sheet Nos. 7.1 through 8.2 reflect a 0.02 cent/Mcf decrease in the commodity rate for the G-1, P-1, SG-1, H-1, F-1 and PS-1 Rate Schedules, and no change in the demand rates. The proposed rates compare with those filed by CIG on March 1, 1991 in Docket No. TQ91-2-32-000, which rates were approved effective April 1, 1991 by Commission letter order issued March 21, 1991. CIG requests that these proposed tariff sheets be made effective on July 1, 1991.

CIG states that copies of this filing are being served on all jurisdictional customers and interested state commissions, and are otherwise available for public inspection at CIG's offices in Colorado Springs, Colorado.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. An person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13766 Filed 6-10-91; 8:45 am]

BILLING CODE 6716-01-M

[Docket No. TQ91-3-16-000]

National Fuel Gas Supply Corp.; Notice of Proposed Changes in FERC Gas Tariff

June 4, 1991.

Take notice that on May 31, 1991, National Fuel Gas Supply Corporation ("National") submits for filing Tenth Revised Sheet No. 5, as part of its FERC Gas Tariff, Second Revised Volume No. 1 to be effective July 1, 1991.

National states that the purpose of this filing is to reflect a quarterly Purchased Gas Adjustment ("PGA"). Tenth Revised Sheet No. 5 results in a 53.29 cents per dekatherm ("Dt") reduction in its commodity gas cost in comparison with National's compliance filing on March 20, 1991, in Docket No. TQ91-2-16-001. The revised RQ and CD sales commodity rate of 253.21 cents per Dt is based upon a current average cost of purchased gs of 223.37 cents per Dt (in unit of purchases), or 238.75 cents per Dt (in unit of sales).

National further states that copies of this filing were served on National's jurisdictional customers and on the Regulatory Commissions of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions to intervene or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13772 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-166-000]

Northwest Pipeline Corp.; Notice of Filing of Restatement of Base Tariff Rates

June 4, 1991.

Take notice that on May 31, 1991, Northwest Pipeline Corporation ("Northwest") tendered for filing a restatement of Base Tariff Rates on Twelfth Revised Tariff Sheet No. 10, Twelfth Revised Sheet No. 11, Second Revised Sheet No. 12, and Seventh Revised Sheet No. 13 of Second Revised Volume No. 1; Seventh Revised Sheet No. 201 of First Revised Volume No. 1-A; Fifteenth Revised Sheet No. 2, Seventh Revised Sheet No. 2.1, Twelfth Revised Sheet No. 2-A, Sixth Revised Sheet No. 2-A.1, Twenty-Third Revised Sheet No. 2-B and First Revised Sheet No. 2-C of Original Volume No. 2 of its FERC Gas Tariff to be effective July 1, 1991.

Northwest states that this filing reflects no changes in the level of the non-gas components of its jurisdictional rates, that sales rates have been updated for the cumulative changes in gas purchase costs, and that the filing is being made for the sole purpose of restating and justifying such rates, as required by the thirty-six month review procedures within the Commission's Regulations governing PGA provisions. Accordingly, for this purpose, the filing contains a supporting cost study pursuant to § 154.303(e) of the Commission's Regulations.

Northwest states its agreement that this filing will automatically be subject to refund as of July 1, 1991, as required by § 154.303(e)(i) of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13770 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA91-1-86-000]

Pacific Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1991.

Take notice that on May 31, 1991, Pacific Gas Transmission Company (PGT), tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Reversed Volume No. 1, Sixth Revised Sheet No. 4, with the effective of August 1, 1991.

PGT states that the filing incorporates PGT's latest projections of purchased gas commodity costs and sales quantities. PGT also states that also included in the filing is PGT's assessment of past performance and a surcharge calculation for the 8-month deferral period ending March 31, 1991.

PGT states that the filing has been served on PGT's jurisdictional sales customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 25, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13778 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-7-000]

Southern Natural Gas Co.; Notice of Proposed Changes to FERC Gas Tariff

June 4, 1991.

Take notice that on May 31, 1991, Southern Natural Gas Company (Southern) tendered for filing the following revised sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

One Hundred Third Revised Sheet No. 4A
Sixteenth Revised Sheet No. 4B
Twenty Second Revised Sheet No. 4J

The proposed tariff sheets and supporting information are being filed with proposed effective date of July 1, 1991. The aforesaid tariff sheets reflect a decrease of 25¢ per Mcf at 1,000 Btu in the commodity component of Southern's rates to conform to projected changes in its commodity cost of purchased gas. The current adjustment component of Southern's demand rates has been revised to reflect a decrease of 63.5¢ per Mcf for Zone 1, a decrease of 31.2¢ per Mcf for Zone 2, and an increase of 1.2¢ per Mcf for Zone 3. These revisions are the result of recent decreases in the demand rates charged to Southern by United Gas Pipe Line Company, as reflected in Southern's most recently approved interim PGA filing, Docket No. TF91-8-7-000, and allocation of Southern's purchased gas demand costs based upon the highest three-day system peak as reported in Southern's latest FERC Form 2, as required by section 17.3 of Southern's FERC gas tariff.

Southern states that copies of the filing have been served upon all of Southern's jurisdictional purchases and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's rules of practice and procedure (§§ 385.214, 385.211). All such petitions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-13768 Filed 6-10-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA91-1-29-000]

Transcontinental Gas Pipe Line Corp., Notice of Tariff Filing

June 5, 1991.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on May 31, 1991 certain revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff, which tariff sheets are listed in Appendix A attached to the filing. Such proposed sheets are to become effective August 1, 1991.

The proposed tariff sheets reflect a rate increase of 10.7¢ per dt related to the current gas cost portion of commodity rates (reflected in Schedule D1, Code O, hereof) under the CD, G, OG, PS, ACQ and S-2 Rate Schedules, compared to Transco's quarterly PGA filing which became effective May 1, 1991. The instant PGA filing reflects an average cost of gas of 179.94¢ per dt for the quarterly period August 1, 1991 through October 31, 1991.

Transco respectfully requests a waiver of the provisions of § 22.4 (including references thereto contained in § 22.7) of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1 and § 154.305(c) of the Commission's regulations in order to calculate the commodity Current Gas Cost Adjustment to its PGA affected rate schedules in the manner provided in the instant filing.

Transco further states that it has filed the necessary schedules in order to comply with Section 154.305 of the Commission's Regulations and FERC Form 542. Transco has also filed a 9-track magnetic tape containing such schedules.

Transco states that copies of the instant filing are being mailed to customers and interested State Commissions. In accordance with provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protect with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 of the Commission's rules and regulations. All such motions or protests should be filed on or before June 25, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available

for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13775 Filed 6–10–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–3–35–000]

West Texas Gas, Inc.; Notice of Filing

June 4, 1991.

Take notice that on May 31, 1991, West Texas Gas, Inc. ("WTG") filed Twenty-Fourth Revised Sheet No. 3a to its FERC Gas Tariff, Original Volume No. 1, proposed to be effective July 1, 1991. Twenty-Fourth Revised Sheet No. 3a and the accompanying explanatory schedules constitute WTG's quarterly PGA filing submitted in accordance with the Commission's purchased gas adjustments regulations.

WTG states that copies of the filing were served upon WTG's customers and interested state commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 214 (1990). All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13765 Filed 6–10–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA91–1–52–000 and TA91–1–52–001]

Western Gas Interstate Co.; Notice of Proposed Changes in FERC Gas Tariff

June 5, 1991.

Take notice that Western Gas Interstate Company ("Western"), June 3, 1991, tendered for filing the following tariff sheet to its FERC Gas Tariff, Second Revised Volume No. 1:

Second Revised Sheet No. 10

The proposed effective date for the tariff sheet is August 1, 1991.

Western states that its filing proposes changes to it rates in accordance with the terms of the Purchased Gas Adjustment provisions of its FERC Gas Tariff, and authority to make refunds to its customers.

The proposed changes to rates provide for: (1) A decrease in cost under Western's Rate Schedule CD-N of $0.0193; and (2) an increase in cost under Western's Rate Schedule CD-S of $0.2489.

Western states that copies of the filing were served upon Western's transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 and 385.214 of the Commission's rules and regulations. All such motions or protests should be filed on or before June 25, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13776 Filed 6–10–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM91–3–49–000]

Williston Basin Interstate Pipeline Co.; Annual Take-or-Pay Reconciliation Filing

June 4, 1991.

Take notice that on May 31, 1991, Williston Basin Interstate Pipeline Company (Williston Basin), suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, tendered for filing its Annual Take-or-Pay Reconciliation Filing pursuant to sections 32 and 33 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1. More specifically, Williston Basin filed the following Primary tariff sheets:

First Revised Volume No. 1

First Revised Thirty-fourth Revised Sheet No. 10
Third Revised Sheet No. 122
First Revised Sheet No. 123I

Original Volume No. 1–A

First Revised Twenty-seventh Revised Sheet No. 11
First Revised Thirty-third Revised Sheet No. 12

Original Volume No. 1–B

First Revised Twenty-second Revised Sheet No. 10
First Revised Twenty-second Revised Sheet No. 11

Original Volume No. 2

First Revised Thirty-fifth Revised Sheet No. 10
First Revised Twenty-eighth Revised Sheet No. 11B

Williston Basin has requested that the Commission accept this filing to become effective effective July 1, 1991.

Williston Basin states that the revised tariff sheets are being filed to reflect recalculated fixed monthly surcharges and a revised throughout surcharge to be effective during the period July 1, 1991 through June 30, 1992 pursuant to the procedures contained in sections 32 and 33 of the General Terms and Conditions of Williston Basin's FERC Gas Tariff, First Revised Volume No. 1. This filing reflects a revised total throughout surcharge of 11.457 cents per dkt applicable to all sales and transportation volumes.

The instant filing also contains Alternate tariff sheets to be effective only if the Commission makes the Company's filing in Docket No. RP91–141–000 effective prior to July 1, 1991.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 11, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party to the proceeding must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–13773 Filed 6–10–91; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

Pre-Freshman Enrichment Program (PREP)

AGENCY: Department of Energy.

ACTION: Program solicitation announcement.

SUMMARY: The purpose of this notice is to announce the availability of the PREP solicitation, to identify the institutions which will be eligible for this grant program, and to inform potential applicants of the closing date and location for submission of applications for awards under this program.

SUPPLEMENTARY INFORMATION:

Background

The Department of Energy (DOE) is concerned about whether there are enough science, engineering and mathematics professionals to perform its research and development mission and is authorized in the Energy Reorganization Act of 1974 to "* * * assure an adequate supply of manpower for the accomplishment of energy research and development programs by sponsoring and assisting in education and training activities in postsecondary institutions, vocational schools and other institutions. * * *", 42 U.S.C. 5813 (11).

Specifically, DOE's concern is based on the consideration that the future supply of science and engineering manpower is threatened by two factors: Fewer students enrolling in science-based courses in high school and fewer students available to join the science, engineering and math pool due to declining birth rates. Students who have completed the ninth grade in high school often decide not to take another science-based course. Once the traditional math/science sequence is disrupted, it is too late for students to meet the minimum requirements for admission to college and university science and engineering programs.

The primary purpose of PREP is to alleviate manpower shortages in science, engineering and math careers by preparing and guiding students in the sixth through tenth grades in the selection of college-preparatory courses in science, mathematics and engineering.

In the past 18 years, 304 PREP projects have been funded. These projects have reached over 21,000 students, principally women and minorities who have been underrepresented in science, math and engineering. Pending Congressional action, DOE intends to commit about $2.65 million for the Pre-Freshman Enrichment Program for fiscal year 1992. DOE invites all qualified institutions (see following section) to write for a copy of its Pre-Freshman Enrichment Program solicitation, DOE/ER-0497, Notice of Program Announcement Number DE-PS05-92ER79030.

Eligibility and Limitations

The overall intent of the program is to increase the number of scientists, engineers and mathematicians who graduate from college, and who will continue to play critically important roles in the Nation's overall energy programs. Therefore, institutions which offer science, mathematics and/or engineering degree programs are deemed most qualified.

Accordingly, pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7(b)(1), applications will be accepted only from U.S. colleges and universities which grant science, mathematics and/or engineering degrees at the baccalaureate level. Non-profit organizations, scientific and professional societies, science museums and science centers, two-year colleges, for-profit industries, and Federal laboratories may participate in cooperative or joint PREP projects, providing the application is submitted by a four-year U.S. college or university.

Application Forms: Program solicitations are expected to be ready for mailing by August 1, 1991. Applications must be prepared and submitted in accordance with the instructions and forms included in the program solicitation. Copies of this solicitation may be obtained by writing to: Office of University and Science Education Programs, ER-80, Office of Energy Research, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; Telephone Number (202) 586-1634.

Closing Date for Submission of Applications: To be eligible, applications must be received by the Department of Energy by 4:30 p.m. October 30, 1991.

For Further Information Contact:

All communications or questions regarding this program solicitation should be directed to: PREP Contracting Officer; Procurement and Contracts Division; Oak Ridge Operations; Department of Energy; Oak Ridge, Tennessee 37831; Telephone Number: (615) 576-7564.

(Catalog of Federal Domestic Assistance No. 81.047, Pre-Freshman Enrichment Program)

Issued in Washington, DC on June 3, 1991.

James F. Decker,

Acting Director, Office of Energy Research.

[FR Doc. 91-13841 Filed 6-10-91; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

U.S./U.S.S.R. Fossil Energy Workshop Involving U.S. Department of Energy, U.S.S.R. and U.S. Industry Representatives

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Fossil Energy Workshop involving DOE, U.S.S.R. and U.S. industry representatives.

SUMMARY: The U.S./U.S.S.R. Fossil Energy Workshop originally scheduled to be held February 13-15, 1991, has been rescheduled for July 30, through August 2, 1991. This workshop will be held to explore the respective technologies and programs in oil, gas, coal and shale development. Specific areas of interest include environmentally acceptable coal utilization technologies and coal fueled power generation; development of oil and gas fields including hydrocarbon resources on the Continental Shelf; and enhanced oil recovery. Programs to be discussed will include the respective utilization of coal; the prospecting, exploration and development of oil and gas fields; and the retrofit and repowering of power facilities.

BACKGROUND: Previous fact-finding meetings and discussions in the Fossil Energy area have been held between DOE and the U.S.S.R. Bureau of Fuels and Energy Complex (BFEC) in response to specific requests from the BFEC to consider reestablishment of formal energy cooperation. As part of earlier discussions, the Soviets have also proposed approximately fifty (50) projects which they have provided for U.S. consideration. A copy of these proposals is available upon request to the contact person identified below.

The Fossil Energy workshop will afford U.S. Government and industry an opportunity to participate in technology discussions with the Soviet Energy Sector representatives. The opening session of the workshop will be held July 31 at the Morgantown Energy Technology Center, Morgantown, West Virginia. This session will include keynote addresses by Congressional, Soviet, DOE and U.S. industry representatives. The closing session will be held at the Vista International Hotel in Pittsburgh, Pennsylvania, on August 2, 1991. Oil/gas workshop sessions will be held on August 1 at the Morgantown Energy Technology Center, and coal/shale workshop sessions will be held at the Vista International Hotel in

Pittsburgh, Pennsylvania on August 1 and 2.

The workshop sessions at Morgantown will focus on oil and gas technology areas. Specific areas of discussion will include: structure of U.S. supply and service industry; drilling completion and stimulation; enhanced oil recovery technologies; discovery and definition of resources; gas processing, transportation and distribution; shale oil recovery and use; refining of crude oil, and financial aspects of establishing resource development projects in the U.S. and in the U.S.S.R.

The workshop sessions at Pittsburgh will focus on oil shale utilization and on coal fueled power generation and coal fuels production technologies, such as: Magnetohydrodynamics (MHD); integrated gasification combined cycle (IGCC); coal combustor development; circulating fluidized-bed combustion, retrofits/repowering; flue gas cleanup; hot gas cleanup; heat engines; coal liquefaction (direct and indirect); mild gasification; and coal preparation.

If you received registration information on the workshop when it was originally announced in January, your name is still on the mailing list for this rescheduled event and you will automatically receive registration materials. If you have not previously received information and would like to do so, please contact the person identified below.

FOR FURTHER INFORMATION CONTACT: Nancy J. Houston, Technology Transfer Office, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507, (304) 291–4081, FTS 923–4081.

Robert H. Gentile,

Assistant Secretary, Fossil Energy.

[FR Doc. 91–13843 Filed 6–10–91; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3962–1]

California State Motor Vehicles Pollution Control Standards; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing and public comment period.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has approved amendments to its regulations to establish testing and certification procedures for dedicated methanol and fuel-flexible passenger cars, light-duty trucks and medium-duty vehicles, and heavy-duty vehicles and engines. By separate letter, CARB also notified EPA that it has approved other amendments to its regulations to establish certification and test procedures for new heavy-duty engines fueled with compressed natural gas (CNG) or liquified petroleum gas (LPG). California has requested that, pursuant to section 209(b) of the Clean Air Act (Act), 42 U.S.C. 7543(b), EPA grant waivers of Federal preemption for both sets of amendments. For administrative expediency, EPA has combined CARB's two separate requests into one Notice of Opportunity for Public Hearing and Public Comment Period. EPA has tentatively scheduled a public hearing to hear comments from the general public concerning CARB's requests. In addition, EPA is requesting that interested persons submit written comments. Both oral and written information will be included in the record of the Administrator's decisions and will be available for public inspection.

DATES: EPA has tentatively scheduled a public hearing for July 16, 1991, beginning at 9 a.m. Any person who wishes to testify on the record at the hearing must notify EPA by July 8, 1991. If EPA receives requests to testify on both the methanol and the CNG and LPG waivers, a hearing will be scheduled comprising both waiver requests. If EPA receives requests to testify on only one of the proposed waivers, a hearing will be held covering solely that waiver. If no one notifies EPA that they wish to testify, no hearing will be held.

The deadline for submitting written comments is August 15, 1991.

Within 10 days of the tentative hearing date of July 16, 1991, any person who plans to attend the hearing may call Bruce Fergusson of EPA's Manufacturers Operation Division at (202) 475–9423 to determine if a hearing will be held.

ADDRESSES: If a request is received, a public hearing will be held at: Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA 95814. Parties wishing to testify at the hearing should provide written notice to: Charles N. Freed, Director, Manufacturers Operations Division (EN–340F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. In addition, written comments, in duplicate, should be sent to Mr. Freed at the same address. Copies of material relevant to the methanol waiver request (Docket No. A–90–29) and the CNG and LPG waiver request (Docket No. A–90–34) will be available for public inspection during the working hours of 8:30 a.m. to 12 p.m. and 1:30 p.m. to 3:30 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, Air Docket (LE–131), room M1500, First Floor Waterside Mall, 401 M Street, SW., Washington, DC 20460, telephone (202) 382–7548.

FOR FURTHER INFORMATION CONTACT: Bruce Fergusson, Attorney/Advisor, Manufacturers Operations Division (EN–340F), U.S. Environmental Protection Agency, Washington, DC 20460, telephone (202) 475–9423.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 209(a) of the Act as amended, 42 U.S.C. 7543(a), provides in part:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] require certification, inspection, or any other approval relating to the control of emissions * * * as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

The state of California may be exempted from the prohibitions of section 209(a) of the Act. Section 209(b) of the Act provides in part that,

> (t)he Administrator shall, after notice and opportunity for public hearing, waive application of this section to (California) * * * if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. No such waiver shall be granted if the Administrator finds that—(A) the determination of the State is arbitrary and capricious, (B) (California) does not need such * * * standards to meet compelling and extraordinary conditions, or (C) (its) standards and accompanying enforcement procedures are not consistent with section 202(a) of [the Act].

Once California has been granted a waiver for a set of standards and enforcement procedures for a class of vehicles, it may adopt other conditions precedent to initial retail sale, titling or registration of the subject class of vehicles without having to receive a further waiver of Federal preemption.

By letter dated August 20, 1990, CARB submitted to EPA a request for waiver of Federal preemption for amendments to its emission standards and test procedures. These amendments, which apply to passenger cars, light-duty trucks, medium-duty vehicles, and heavy-duty vehicles and engines:

(1) Amend the California exhaust and evaporative emission standards for gasoline and diesel vehicles and engines

to make them applicable to all classes of dedicated-methanol vehicles and engines, and fuel-flexible vehicles (FFVs), except methanol urban bus heavy-duty engines, beginning with the 1993 model year;

(2) Amend the California exhaust and evaporative emission standards for gasoline and diesel engines to make them applicable to all methanol urban bus heavy-duty engines, beginning with the 1991 model year, except for fill-pipe specifications and formaldehyde standards, which begin with the 1993 model year;

(3) Establish organic material hydrocarbon equivalent standards (OMHCE) for all methanol vehicle classes in place of existing hydrocarbon emission standards;

(4) Incorporate the Federal test procedures published by the Environmental Protection Agency in the **Federal Register** (54 FR 14426 (4–11–89)) for methanol vehicles and engines with the following exceptions:

(a) Separate formaldehyde exhaust emission standards;

(b) Different mileage accumulation fuels and emission test fuels specifications; and

(c) Certification procedures for FFVs;

(5) Amend the California certification requirements for gasoline and diesel vehicles and engines to make them applicable to all classes of methanol vehicles and engines and FFVs;

(6) Establish label requirements equivalent to current California unleaded fuel vehicle label requirements for all classes of methanol vehicles and engines and FFVs;

(7) Establish design requirements for methanol vehicles and FFVs to resist fuel siphoning and poisoning, beginning with the 1993 model year; and

(8) Update and clarify affected regulations.

By separate letter dated September 7, 1990, CARB submitted to EPA a request for waiver of Federal preemption for certain amendments to its heavy-duty engine emission control program. These amendments:

(1) Amend the existing California heavy-duty Otto-cycle (gasoline) and Diesel-cycle emission standards and test procedures to make them applicable to heavy duty engines fueled by CNG and LPG (collectively "gaseous fuels") beginning with the 1990 model year;

(2) Establish an optional nonmethane hydrocarbon (NMHC) standard for heavy-duty engines in addition to the existing total hydrocarbon (HC) standard;

(3) Incorporate appropriate fuel specifications for both compressed natural gas and liquified petroleum gas. The specifications would apply to fuel used for both emission testing and durability service accumulation;

(4) Establish particulate averaging criteria for heavy-duty gaseous fuel engines;

(5) Establish appropriate exhaust emission sampling and calculation procedures for heavy-duty gaseous fuel vehicles;

(6) Amend the existing "California Motor Vehicle Emission Control Label Specifications" to make it applicable to gaseous fuel vehicles;

(7) Make other nonsubstantial amendments to the existing regulations in order to correct, clarify or make them consistent with applicable Federal regulations.

California has stated in its letters, dated August 20, 1990, and September 7, 1990, that it has determined that its amended standards are, in the aggregate, at least as protective of the public health and welfare as the applicable Federal standards. Further, California states that it continues to need separate standards to meet compelling and extraordinary conditions. Finally, California states that the amendments are not inconsistent with section 202(a) of the Act. Section 202(a) requires that the procedures provide sufficient lead time to permit the development and application of requisite technology, giving appropriate consideration to the cost of compliance within such period. In addition, the Agency has held that section 202(a) prohibit the procedures from imposing inconsistent certification requirements such that manufacturers would be unable to meet both the California and Federal requirements with the same test vehicle.

California's requests will be considered according to the requirements for a full waiver determination, which includes providing the opportunity for a public hearing. Any party wishing to present testimony at the hearing should address the following issues:

(1) Whether California's determination that the amended standards are at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious;

(2) Whether California needs separate standards to meet compelling and extraordinary conditions; and

(3) Whether California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Act.

II. Procedures for Public Participation

Any person desiring to make an oral statement on the record should file ten (10) copies of their proposed testimony and other relevant material along with their request for a hearing with the Director of EPA's Manufacturers Operations Division at the Director's address listed above not later than July 8, 1991. In addition, that person should submit 25 copies, if feasible, of the planned statement to the presiding officer at the time of the hearing.

Because a public hearing is designed to give interested parties an opportunity to participate in this proceeding, there are no adverse parties as such. Statements by participants will not be subject to cross-examination by other participants without special approval by the presiding officer. The presiding officer is authorized to strike from the record statements which he or she deems irrelevant or repetitious and to impose reasonable limits on the duration of the statement of any witness.

If a hearing is held, the Agency will make a verbatim record of the proceedings. Interested persons may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense.

Regardless of whether a public hearing is held, EPA will keep the record open until August 15, 1991. The Administrator will then render his decision on CARB's requests based on the record of the public hearing, if one is held, relevant written submissions, and other information which he deems pertinent. All information will be available for public inspection at the EPA Air Docket.

Dated: June 3, 1991.

Michael Shapiro,

Deputy Assistant Adm.

[FR Doc. 91–13528 Filed 6–10–91; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–140150; FRL–3928–5]

Access to Confidential Business Information by Dynamac Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Dynamac Corporation (DYN), of Rockville, Maryland, for access to information which has been submitted to EPA under sections 4, 5, 6, 8, and 21 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or

determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than June 21, 1991.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D1–0014, contractor DYN, of 2275 Research Boulevard, Suite 500, Rockville, MD, will assist the Office of Toxic Substances (OTS) in providing technical assistance in the evaluation of potential hazards posed by new chemicals or genetically altered microorganisms.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D1–0014, DYN will require access to CBI submitted to EPA under sections 4, 5, 6, 8, and 21 of TSCA to perform successfully the duties specified under the contract. DYN personnel will be given access to information submitted to EPA under sections 4, 5, 6, 8, and 21 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, 8, and 21 of TSCA that EPA may provide access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and DYN's Rockville, MD facility only.

DYN has been authorized access to TSCA CBI at its Rockville, MD facility under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved DYN's security plan and has performed the required inspection of its facility and has found the facility to be in compliance with the manual. Upon completing review of the CBI materials, DYN will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1994.

DYN personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: June 4, 1991.

George A. Bonina,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91–13833 Filed 6–10–91; 8:45 am]

BILLING CODE 6560–50–F

[OPTS–140149; FRL–3927–8]

Access to Confidential Business Information by Dynamac Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized Dynamac Corporation (DYN), of Rockville, Maryland, under subcontract to EPA's contractor Mathtech Incorporated (MAT) of Falls Church, Virginia, for access to information which has been submitted to EPA under sections 4, 5, 6, and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than June 21, 1991.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D8–0087, contractor DYN, of 2275 Research Boulevard, Suite 500, Rockville, MD, will assist the Office of Toxic Substances (OTS) in preparing health and/or environmental hazard reviews for Premanufacture Notices. In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D8–0087, DYN will require access to CBI submitted to EPA under sections 4, 5, 6, and 8 of TSCA to perform successfully the duties specified under their subcontract. DYN personnel will be given access to information submitted to EPA under sections 4, 5, 6, and 8 of TSCA. Some of the information may be claimed or determined to be CBI.

DYN is working under subcontract to MAT. In a previous notice published in the Federal Register of October 26, 1988 (53 FR 43268), MAT was authorized for access to CBI submitted to EPA under sections 4, 5, 6, 8, and 12 of TSCA.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, and 8 of TSCA that EPA may provide DYN access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at either EPA Headquarters or DYN's Rockville, MD facility.

DYN as been authorized access to TSCA CBI at its Rockville, MD facility under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved DYN's security plan and has performed the required inspection of its facility and has found the facility to be in compliance with the manual. Upon completing review of the CBI materials, DYN will return all transferred materials to EPA. Clearance for access to TSCA CBI under this contract may continue until September 30, 1991. DYN personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: June 4, 1991.

George A. Bonina,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91–13832 Filed 6–10–91; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL MARITIME COMMISSION

Board of Trustees of the Galveston Wharves, et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200248–002.

Title: Board of Trustees of the Galveston Wharves/Deppe Lines Terminal Agreement.

Parties: Board of Trustees of the Galveston Wharves, Deppe Lines (Deppe).

Synopsis: The Agreement provides for (1) an extended term of one year, ending June 3, 1992; and (2) an incentive payment of five cents (.05) per net ton of

cargo which Deppe originates and moves through the East End Container Terminal regardless of whether the cargo is on a Deppe vessel.

Agreement No.: 224–200526.

Title: Shipside Service, Inc./Sea-Land Services, Inc. Parking Facility Interim Sublease Agreement.

Parties: Shipside Service, Inc. (Shipside), Sea-Land Service, Inc. (Sea-Land).

Synopsis: The Agreement provides for Sea-Land to have exclusive use of approximately 20 acres of Shipside's leased property at Port of Elizabeth, New Jersey for parking its containers and chassis from June 1, 1991 to June 30, 1991. Sea-Land shall pay to Shipside for this use at a rate of $1.00 per unit per diem; and guarantees to pay for a minimum of 1452 spaces per day whether used or not used at the per diem rate of $1.00 per day.

Agreement No.: 224–200527.

Title: Board of Trustees of the Galveston Wharves/Sun Line Cruises Terminal Agreement.

Parties: Board of Trustees of the Galveston Wharves (Galveston), Sun Line Cruises (SLC).

Synopsis: The Agreement, filed June 3, 1991, provides for SLC to pay dockage charges at the regular tariff rates in effect on May 1, 1991, and all other tariff services at the tariff rate then in effect. The term of the Agreement expires August 1, 1991.

Agreement No.: 224–200177–002.

Title: Port of Seattle/Matson Terminals, Inc. Terminal Agreement.

Parties: Port of Seattle (Port), Matson Terminals, Inc. (Lessee).

Synopsis: The Agreement provides for two acres of south yard to be returned to the Port and reflects the differences between 5.31 and 5.4846 acres resulting from the resurvey and updated lease. Lessee will continue use of the property on a month-to-month basis, pursuant to rates set forth in the February 26, 1990 letter lease.

Agreement No.: 224–200417–001.

Title: Georgia Ports Authority/Hoegh Lines Terminal Agreement.

Parties: Georgia Ports Authority, Hoegh Lines.

Synopsis: The Agreement, filed May 31, 1991, extends the term of the basic agreement for an additional year.

Dated: June 5, 1991.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91–13737 Filed 6–10–91; 8:45 am]

BILLING CODE 6730–01–M

Port of Houston Authority; Provident Warehouse Co.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.602 and/or 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224–200528.

Title: Port of Houston Authority/ Provident Warehouse; Company Terminal Agreement.

Parties: Port of Houston Authority (Port), Provident Warehouse Company (PWC).

Filing Party: Martha T. Williams, Staff Counsel, Port of Houston Authority, 1519 Capitol, P.O. Box 2562, Houston, TX 77252–2562.

Synopsis: The Agreement, filed June 3, 1991, provides for: (1) PWC's assignment to perform freight handling services at the Port's Wharves and Transit Shed Number M–2 and to assess rates and charges pursuant to the Port's Tariff No. 8; (2) PWC to guarantee an annual income of $1.25 per square feet of shedded space generated by wharfage charges; and (3) PWC to use the Public Wharves as a repair facility at a fee of $50.00 per 100 square feet per day. The term of the agreement expires December 31, 1992.

Dated: June 5, 1991.

By Order of the Federal Maritime Commission

Joseph C. Polking,

Secretary.

[FR Doc. 91–13736 Filed 6–10–91; 8:45 am]

BILLING CODE 6730–01–M

Fact Finding Investigation No. 16, Possible Malpractices in the Trans-Atlantic Trades; Order Extending Investigtion

By Order issued April 9, 1987 (52 FR 12064, April 14, 1987), The Federal Maritime Commission instituted this non-adjudicatory investigation into the practices of rebates, concessions, absorptions and allowances in excess of those set forth in applicable tariffs, and any other devices or means of obtaining, providing, or allowing other persons to obtain transportation of property at less, or different compensation than the rates and charges shown in applicable tariffs or service contracts, in the United States foreign commerce, between ports and points, in the Trans-Atlantic Trades. By Order issued June 10, 1988 (53 FR 22385, June 15, 1988), the term of this investigation was extended to April 14, 1989. By Order issued May 1, 1989 (54 FR 19436, May 5, 1989), the term of this investigation was extended to April 14, 1990. The term of this investigation was further extended to April 14, 1991 by Order issued April 5, 1990 (55 FR 13664, April 11, 1990). The Investigative Officer has now advised that in order to complete ongoing fact finding activities it is necessary to extend this investigation an additional year.

Therefore, *it is ordered,* That the Investigative Officer shall issue a final report of findings and recommendations to the Commission on or before April 14, 1992, such report to remain confidential unless and until the Commission rules otherwise.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91–13738 Filed 6–10–91; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

PNC Financial Corp; Application to Act as Agent in the Private Placement of All Types of Securities and to Purchase and Sell All Types of Securities on the Order of Investors as a Riskless Principal

PNC Financial Corp, Pittsburgh, Pennsylvania ("Applicant"), has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) ("BHC Act") and § 225.23(a) of the Board's Regulation Y (12 CFR 225.23(a)), to engage *de novo* through its wholly owned subsidiary, PNC Securities Corp, Pittsburgh, Pennsylvania ("Company"), in the following activities: the private

placement, as agent, of all types of securities, including providing related advisory services; and buying and selling all types of securities on the order of investors as a "riskless principal". Company would conduct the proposed activities throughout the United States.

Applicant is currently authorized to engage through Company in underwriting and dealing in, to a limited extent, commercial paper, municipal revenue bonds, certain mortgage-related securities, and consumer-receivable-related securities. *PNC Financial Corp*, 73 Federal Reserve Bulletin 742 (1987), and 75 Federal Reserve Bulletin 396 (1989). Applicant is also authorized to engage through company in underwriting and dealing in U.S. government and agency and state and municipal securities that state member banks are authorized to underwrite and deal in under section 16 of the Glass-Steagall Act, and in providing investment advisory and brokerage services on a combined basis to institutional and retail customers. *Id.*

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

The Board has previously approved the proposed private placement and riskless principal activities, and Applicant has stated that it will conduct these activities using the same methods and procedures and subject to the prudential limitations established by the Board in its previous Orders. *See J.P. Morgan & Company Incorporated*, 76 Federal Reserve Bulletin 26 (1990); and *Bankers Trust New York Corporation*, 75 Federal Reserve Bulletin 829 (1989).

Applicant states that the proposed activities will benefit the public by promoting competition. Applicant also states that approval of this application will allow Company to provide added convenience to customers and promote gains in efficiency by allowing for the consolidation of all securities-related activities in one entity and reducing duplication of similar functions performed in both Company and its bank affiliates. Applicant believes that the proposed activities will not result in any unsound banking practices in light of the prudential limitations subject to which Applicant will conduct the activities. Applicant also believes that any potential adverse effects are adequately addressed by the disclosure and antifraud provisions of the federal and state securities laws, the NASD Rules of Fair Practice, state and federal fiduciary requirements, the anti-tying provisions of banking and antitrust laws, the Employee Retirement Income Security Act and sections 23A and 23B of the Federal Reserve Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than July 9, 1991. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland.

Board of Governors of the Federal Reserve System, June 5, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-13791 Filed 6-10-91; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Octane Posting and Certification

AGENCY: Federal Trade Commission.

ACTION: Grant of partial exemption from the Commission's Octane Rule.

SUMMARY: The Commission has responded to the petition of Dresser Industries, Inc., Wayne Division ("Dresser-Wayne"), a leading manufacturer of gasoline dispensers, on behalf of Sun Refining & Marketing Co. ("Sunoco"), Kocolene Oil Corp., Shell Oil Co., Crown Central Petroleum Corp. ("Crown Oil"), British Petroleum Co., Chevron Corp. and Amoco Corp. (collectively, "the companies"), requesting permission to post octane ratings by use of octane labels that differ from certain of the specifications contained in the Commission's Octane Posting and Certification Rule ("the Rule"). The Commission has granted the partial exemptions, which will pertain to specific models of the Vista product line of gasoline dispensers that the companies plan to purchase from Dresser-Wayne. Pursuant to Rule 1.26 of the Commission's Rules of Practice, the Commisison grants, for good cause, the requested relief without a notice and comment period because the Commission finds that such a procedure is unnecessary to protect the public interest in this case. The Commission previously has granted similar requests without notice and comment procedures.[1]

EFFECTIVE DATE: June 11, 1991.

FOR FURTHER INFORMATION CONTACT: Neil J. Blickman, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580, (202) 326-3038.

SUPPLEMENTARY INFORMATION: On March 30, 1979, the Commission published the Octane Posting and Certification Rule in the Federal Register (44 FR 19160). The Rule established procedures for determining, certifying and posting, by means of a label on the fuel dispenser, the octane rating of automotive gasoline intended for sale to consumers.

Section 306.9 of the Rule provides that retailers must post at least one octane rating label on each face of each gasoline dispenser. Retailers who sell two or more kinds of gasoline with different octane ratings from a single dispenser must post separate octane rating labels for each kind of gasoline on each face of the dispenser. Labels must be placed conspicuously on the dispenser so as to be in full view of consumers and as near as reasonably practical to the price per gallon of the gasoline.

Section 306.11 of the Rule details specifications for the labels. Labels must be 3 inches wide by 2½ inches long, and Helvetica type must be used for all text except the octane rating number, which must be in Franklin Gothic type. Type size for the text and numbers is specified, and the type and border must be process black on a process yellow background. The line "MINIMUM OCTANE RATING" must be in 12 point Helvetica bold, all capitals, with letter space set at 12½ points. The line "(R+M)/2 METHOD" must be in 10 point Helvetica bold, all capitals, with letter space set at 10½ points. The octane number must be in 96 point Franklin Gothic Condensed, with ⅛ inch spacing between the numbers. Section 306.11(d) of the Rule further states that no marks or information other than that called for by the Rule may appear on the label.

[1] See Octane Rule exemptions granted to Gilbarco, Inc. in 1988 (53 FR 29277); to Exxon in 1989 (54 FR 14072); and to Sunoco in 1979 (44 FR 33740) and in 1990 (55 FR 1871).

Prior Exemption Proceedings

Summarized below are two prior exemption proceedings concerning Sunoco. The issues considered in those proceedings, in terms of label size, content and location, are similar to the issues raised in this proceeding.

1. The 1979 Sunoco Exemption Proceeding (44 FR 33740)

In 1979, Sunoco petitioned the Commission for permission to post octane ratings by use of an octane label that differs from the label specifications described in the Rule. On June 12, 1979, the Commission authorized Sunoco to use the following labeling system for its multi-blend dispensers: A label 1¾ inches wide by 1⅜₁₆ inches long on which the octane number would be displayed, and the words "Minimum Octane Rating/(R+M)/2 Method" would appear twice on the dispenser in boxes forming arrows that point in the direction of, and in close proximity to, the octane numbers.

2. The 1990 Sunoco Exemption Proceeding (55 FR 1871)

In 1989, Sunoco petitioned the Commission for permission to use an octane label 7/16 inches less wide and ⅛ inches longer than the one allowed pursuant to the 1979 proceeding. Sunoco also petitioned for permission to place the word "PRESS" on octane labels that it proposed to insert inside newly developed gasoline selection dispenser switches. Sunoco contended that its requested label modification would show consumers how to use the new type of octane selection switch and at the same time help consumers focus on the Rule-required octane disclosures. On January 19, 1990, the Commission authorized Sunoco to place the word "PRESS" on its octane labels. The Commission previously had granted a similar request from Gilbarco, Inc. in 1988 (53 FR 29277).

Dresser-Wayne's Current Proposals

Over the last two years, Dresser-Wayne has developed the "Vista" product line of gasoline dispensing equipment. The design includes proposed alternative octane labeling schemes that Dresser-Wayne contends will allow its customers to take advantage of the features of the Vista dispensers.

Dresser-Wayne's Vista dispensers employ a number of design changes, including the introduction of a single hose multigrade dispenser for some models, the use of a "unified" display and the use of "push to start" operation. The single hose dispenser allows the motorist to dispense more than one grade of gasoline from a single nozzle. Each of the fuels that can be dispensed are independent grades of gasoline kept in separate storage facilities. The design of the Vista products places all sales data into a single visual field called a "unified" display. The data within this visual field includes the unit price for each grade of gasoline, including both cash and credit prices for each product, buttons for selecting either the cash or credit price, the volume of gasoline sold and the dollar amount of the sale.

The visual field also includes the advertising panel that is commonly used to display the product names. Within this area, too, are the buttons used to select the product to be purchased and activate the Vista dispenser. By placing the octane lables within the buttons or on the advertising panel, depending upon which Vista models are used, the labels always are adjacent to the information on the "unified" display. Placement of the octane lables in close proximity to the dispenser controls makes using the Vista products easier, according to Dresser-Wayne.

To accomodate the features of Vista products, Dresser-Wayne petitions the Commission to permit the companies, potential customers for its Vista dispensers to use three different octane labels that differ from the Rule's label specifications. The three different proposed labeling schemes, each of which apply to specific Vista dispensers, are as follows:

1. Vista Dispenser Models 395D1, 395D3, 585D1, 585D3 and 580D3

To conform with the dimensions of the gasoline dispenser switch it has developed for the above models, Dresser-Wayne petitions the Commission to permit Sunoco, Kocolene and Crown Oil to use an octane label that is 1.875 inches wide by 1 inch long, instead of a label that is 3 inches wide by 2½ inches long as specified in the Rule. Dresser-Wayne requests permission for the companies to display the octane rating on the label in 78 point Helvetica Ultra compresed type, instead of in 96 point Franklin Gothic Condensed type, as specified in the Rule.

To show consumers how to use the octane selection switch, Dresser-Wayne requests permission for the companies to place the word "PRESS" on the label in 16 point, Univers 67 type. The Commission previously granted similar requests from Gilbarco, Inc. and Sunoco. Further, Dresser-Wayne requests permission for the companies to include on the octane label a flashing indicator lamp (in the form of either an arrow, a rectangle or a circle, depending on the dispenser model) that would confirm the grade of gasoline that has been selected by the consumer.

Finally, because of limited display space on the octane labels and dispensers, Dresser-Wayne requests permission for the companies to display the words "MINIMUM OCTANE RATING/(R+M)/2 METHOD" once on the dispensers immediately below the octane labels. The Commission previously granted a similar request from Sunoco to place such words on the dispenser in close proximity to the octane labels, instead of on the labels as required by the Rule. Dresser-Wayne proposes that the companies be allowed to display the words in 20 point, Univers 67 type, which means that the words will be displayed in letters twice as large as those required by the Rule. However, this proposed labeling scheme, as well as the others, fails to display these words in all capital letters, as required by the Rule. These schemes also misstate the "(R+M)/2" formula for determining the octane rating of gasoline by failing to enclose the "R" and "M" in parentheses.

Dresser-Wayne contends that the label modifications it requests on behalf of Sunoco, Kocolene and Crown Oil will clearly instruct retail gasoline customers on how to operate the Vista dispensers, and, at the same time, clearly disclose to consumers all Rule-required information. Accompanying Dresser-Wayne's petition were narrative descriptions and graphic illustrations describing and representing the "unified" display areas, selector buttons and octane labels proposed to be used.

With respect to the first proposed labeling scheme, the label will be smaller than the Rule-required label. In addition, the octane number on the proposed label will be approximately one-quarter smaller than it would be if the Rule's specifications were followed. However, Dresser-Wayne asserts that the proposed label does not impede a consumer on the pump island from identifying the appropriate octane number with its corresponding gasoline blend. Dresser-Wayne also contends that since the octane label is inserted into the button that selects the blend for dispensing, the gasoline, consumers will focus immediately on the octane label. Dresser-Wayne further asserts that the indicator lamp will flash on the label was developed to assist in the accurate selection of the desired grade of gasoline. Once a consumer has selected a grade of gasoline by pushing a switch, the indicator lamp on that switch, or label, will glow constantly and the

indicator lamps on the other switches will be dark. Thus, a consumer will be able to determine easily whether he pushed the correct switch for the desired grade of gasoline.

Finally, with respect to this, and the other proposed labeling schemes, the Commission's graphics department has advised that setting the octane number in Helvetica Ultra Compressed instead of Franklin Gothic Condensed type, and setting the Rule-required words in Univers 67 instead of Helvetica Bold type are *de minimis* changes because the size and boldness of the typefaces are virtually identical.

2. Vista Dispenser Model 580D1

To conform with the dimensions of the gasoline dispenser switch it has developed for this model, Dresser-Wayne petitions the Commission to permit Shell Oil to use an octane label that is 3.3 inches wide by 1 inch long. The Vista 580D1 differs from the Vista 580D3, to which the labeling scheme described above applies, in that it is not capable of posting cash and credit prices for each product dispensed. Therefore, the proposed label for the model 580D1 is wider than the label, or switch, for the 580D3. The proposed label is also 3/10 inches wider than the label specified in the Rule.

With respect to the second proposed label, Dresser-Wayne contends that the proposed label does not impede a consumer on the pump island from identifying the appropriate octane number with its corresponding gasoline blend. Also, since the octane label is inserted into the button that selects the blend of gasoline to be dispensed, consumers will focus immediately on the octane label and the Rule-required disclosures.

The second labeling scheme also is identical to the first in terms of the display of the octane rating and the word "PRESS" on the label. It also includes an indicator lamp, and single display of the Rule-required words "MINIMUM OCTANE RATING/(R+M)/2 METHOD." Therefore, the prior discussion is applicable to these items.

3. Vista Dispenser Models 580D1, 580D3, 390D1U and 390D3U

To conform with the dimensions of the advertising panel on which the octane labels will be placed, Dresser-Wayne petitions the Commission to permit Shell Oil, Crown Oil, British Petroleum, Chevron and Amoco to use an octane label that is 1¾ inches wide by 1⅜ inches long. Dresser-Wayne requests permission for the companies to display the octane rating on the label in 89 point Helvetica Ultra Compressed type, instead of setting the octane number in 96 point Franklin Gothic Condensed type as specified in the Rule.

In addition, Dresser-Wayne requests permission for the companies to display the words "MINIMUM OCTANE RATING" and "(R+M)/2 METHOD" in boxes forming arrows that point in the direction of the octane numbers. Further, Dresser-Wayne requests permission for the companies to display the words "MINIMUM OCTANE RATING" in 20 point Univers 67 type and the formula "(R+M)/2 METHOD" in 10 point Univers 67 type.

The four Vista dispensers to which this labeling scheme applies were developed for companies who market their gasoline by using trade names for their products (*e.g.*, Regular, Plus, Extra). The octane selection switch for these dispensers has the product name inserted into the button, rather than the octane label. The size of the octane label is affected by the available space on the advertising panel under the gasoline selection button, rather than the physical dimensions of the button or switch. Dresser-Wayne proposes that the companies be allowed to place the octane labels on the advertising panel in order to comply with § 306.9(b)(1) of the Octane Rule, which requires the labels to be placed as near as reasonably practical to the price per gallon of the gasoline. In addition, Dresser-Wayne asserts that this third proposed labeling scheme is identical to the one approved by the Commission in 1979 for use by Sunoco.

The labeling scheme proposed by Dresser-Wayne for use by the companies, however, differs in two favorable aspects from the approach approved for use by Sunoco. First, Dresser-Wayne's label is 3/16 inches longer than the label approved for Sunoco; and second, the words "MINIMUM OCTANE RATING" will be displayed in letters twice as large as those required by the Rule. The Commission's graphics department advised that setting the octane number of the label in 89 point Helvetica Ultra Compressed type instead of 96 point Franklin Gothic Condensed type as specified in the Rule is a *de minimis* change because the typeface and boldness of the numbers are virtually identical.

When the Commission previously granted a limited exemption to Sunoco in January, 1990, it included in the Federal Register notice a statement that "the Commission will look with disfavor on any octane labeling plan that does not comply with the Rule's labeling requirements and for which an exemption has not been sought in advance of its use." The petitioner has complied substantially with the Commission's directive. It only has test-marketed the various Vista dispensers, and those dispensers have included Rule-required labels. Further, in designing the display areas, Dresser-Wayne has been cognizant of the need to ensure that octane information is clearly and conspicuously displayed, in accordance with the underlying spirit of the Rule. Thus, the Commission has determined that a good-faith effort has been made to obey the Commission's directive.

The Commission has decided that the three labeling schemes proposed by Dresser-Wayne for use by the companies provide clear, conspicuous and easily readable disclosures to consumers of all Rule-required octane information and comply with the intent of the regulation. The Commission also has decided that by granting the octane label variances requested, that decision does not adversely affect the public interest or result in any consumer injury. Further, with respect to the third labeling proposal, the Commission has determined that it is virtually identical to the one previously approved by the Commission for Sunoco.

Consequently, the Commission has decided to grant Dresser-Wayne's petition requesting permission for the companies to use the three proposed octane labeling schemes, provided that the companies on whose behalf Dresser-Wayne petitioned display the Rule-required words, "MINIMUM OCTANE RATING/(R+M)/2 METHOD," accurately and in all capital letters, and that in all other respects, the companies comply with the Octane Rule's label specifications.

By direction of the Commission.

Donald S. Clark,

Secretary.

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[File No. 912 3096]

Electronic Data Systems Corporation; Proposed Consent Agreement with Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, and of the Fair Credit Reporting Act (FCRA), this consent agreement, accepted subject to

final Commission approval, would require, among other things, the respondent to mail to applicants denied employment based on a consumer report from a consumer credit reporting agency since January 1, 1989, letters stating the reason for the denial, and the name and address of the consumer reporting agency that supplied the respondent with the report. In addition, the respondent would be required to comply with the consumer disclosure provisions of the FCRA for future job applicants and to maintain various documents demonstrating compliance with the FCRA for the next five years.

DATES: Comments must be received on or before August 12, 1991.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Jean Noonan, FTC/S–4429, Washington, DC 20580. (202) 326–3224.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Electronic Data Systems Corporation, a corporation, and is now appearing that Electronic Data Systems Corporation, a corporation, hereinafter sometimes referred to as proposed respondent without acknowledging the violation of any law or rule or regulation, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed By and between Electronic Data Systems Corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Electronic Data Systems Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 7171 Forest Lane, Dallas, Texas 75230.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the proposed respondent, and the proceeding is in the public interest.

3. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered into pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. 50 *et seq.*

5. This agreement shall not become part of the public record of the proceeding unless and until its accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that any law has been violated as alleged in the draft of complaint here attached.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modifed, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the United States Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The compliant may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issue, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this Order, the terms "consumer," "consumer report," and "consumer reporting agency" shall be defined as provided in sections 603(c), 603(d), and 603(f), respectively, of the Fair Credit Reporting Act, 15 U.S.C. 1681, 1681a(c), 1681(d), and 1681a(f).

I.

It is ordered That respondent Electronic Data Systems Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any application for employment, do forthwith cease and desist from:

1. Failing, whenever employment is denied either wholly or partly because of information contained in a consumer report from a consumer reporting agency, to disclose to the applicant for employment at the time such adverse action is communicated to the applicant (a) that the adverse action was based wholly or partly on information contained in such a report and (b) the name and address of the consumer reporting agency making the report. Respondent shall not be held liable for a violation of section 615 of the Fair Credit Reporting Act if it shows by a preponderance of the evidence that at the time of the alleged violation it maintained reasonable procedures to

assure compliance with section 615(a) of the Fair Credit Reporting Act.

2. Failing, within ninety (90) days after the date of service of this Order, to mail two (2) copies of the letter attached hereto as appendix A, completed to provide the name and address of the consumer reporting agency supplying the report and to state the reasons for the denial of employment with respondent based wholly or partly on information contained in the report, to each applicant who was denied employment by Electronic Data Systems Corporation between January 1, 1989, and the date this Order is issued, based in whole or in part on information contained in a consumer report from a consumer reporting agency, such copies of the letter to be sent first class mail to the last known address of the applicant that is reflected in respondent's files, and accompanied by a copy of the Federal Trade Commission brochure attached hereto as appendix B, copies of which are to be provided by respondent. Copies of the letter attached as appendix A need not be sent to any applicant who is denied employment with respondent during the time period specified above if the applicant's application file clearly shows that respondent Electronic Data Systems Corporation has previously given the applicant notification that complies in all respects with the provisions of paragraph I.1 of this Order.

II.

It is further ordered That respondent, its successors, and assigns shall maintain for at least five (5) years and upon request shall make available to the Federal Trade Commission for inspection and copying, documents demonstrating compliance with the requirements of part I of this Order, such documents to include, but not be limited to, all employment evaluation criteria relating to consumer reports, instructions given to employees regarding compliance with the provisions of this Order, all notices provided to consumers pursuant to any provisions of this Order, and the complete application files for all applicants for whom consumer reports were obtained for whom offers of employment are not made or have been withheld, withdrawn, or rescinded based, in whole or in part, on information contained in a consumer report.

III.

It is further ordered That respondent shall deliver a copy of this Order at least once per year for a period of four (4) years from the date of this Order, to all persons responsible for the respondent's compliance with section 615(a) of the Fair Credit Reporting Act.

IV.

It is further ordered That respondent shall, for a period of four (4) years from the date of this Order, notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporate structure of respondent such as dissolution, assignment, or sale resulting in the emergency of a successor operation, the creation or dissolution of subsidiaries or divisions, or any other change in the corporation which may affect compliance obligations arising out of the Order.

V.

It is further ordered That respondent shall, within one hundred twenty (120) days of service of this Order, file with the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Appendix A

Dear Employment Applicant: Our records show that sometime within the last two years, Electronic Data Systems Corporation denied your application for employment. The federal Fair Credit Reporting Act gives persons who are denied employment the right to know if the denial was based, in whole or in part, on information supplied by a consumer reporting agency or credit bureau and, if so, the name and address of the credit bureau.

Our records show that when we denied your application, we may not have told you that our decision was based, at least in part, on information contained in your credit report and may not have given you the reasons for our decision. The credit bureau that furnished the report is:

[name of Consumer Reporting Agency]

[Street Address]

You should contact the credit bureau to learn what information is in your file. You may obtain this information without charge if you contact the credit bureau within 30 days. An extra copy of this notice is enclosed so that you may give it to the credit bureau when you request to review your file.

The information in your credit report led us, at least in part, to deny your application for the following reason(s):

—No credit file.
—Unable to verify references.
—Delinquent past or present obligations with others.
—Excessive obligations in relation to income.
—Garnishment, attachment, foreclosure, repossession, collection action, or judgment.
—Bankruptcy.
—Other: _____

A brochure explaining your rights under the federal credit laws are enclosed. If you want more information about your rights, write to the Federal Trade Commission, Division of Credit Practices, Washington, DC 20580.

Thank you.

Fair Credit Reporting

If you've ever applied for a charge account, a personal loan, insurance, or a job, someone is probably keeping a file on you. This file might contain information on how you pay your bills, or whether you've been sued, arrested, or have filed for bankruptcy.

The companies that gather and sell this information are called "Consumer Reporting Agencies," or "CRA's." The most common type of CRA is the credit bureau. The information sold by CRA's to creditors, employers, insurers, and other businesses is called a "consumer report." This generally contains information about where you work and live and about your bill-paying habits.

In 1970, Congress passed the Fair Credit Reporting Act to give consumers specific rights in dealing with CRA's. The Act protects you by requiring credit bureaus to furnish correct and complete information to businesses to use in evaluating your applications for credit, insurance, or a job.

The Federal Trade Commission enforces the Fair Credit Reporting Act. Here are answers to some questions about consumer reports and CRA's:

How do I locate the CRA that has my file?

If your application was denied because of information supplied by a CRA, that agency's name and address must be supplied to you by the company you applied to. Otherwise, you can find the CRA that has your file by calling those listed in the Yellow Pages under "credit" or "credit rating and reporting." Since more than one CRA may have a file about you, call each one listed until you locate all agencies maintaining your file.

Do I have the right to know what the report says?

Yes, if you request it. The CRA is required to tell you about every piece of information in the report and, in most cases, the sources of that information. Medical information is exempt from this rule, but you can have your physician try to obtain it for you. The CRA is *not* required to give you a copy of the report, although more and more are doing so. You also have the right to be told the name of anyone who received a report on you in the past six months. (If your

inquiry concerns a job application, you can get the names of those who received a report during the past two years.)

Is this information free?

Yes, if your application was denied because of information furnished by the CRA, and if you request it within 30 days of receiving the denial notice. If you don't meet these requirements, the CRA may charge a reasonable fee.

What can I do if the information is inaccurate or incomplete?

Notify the CRA. They're required to reinvestigate the items in question. If the new investigation reveals an error, a corrected version will be sent, on your request, to anyone who received your report in the past six months. (Job applicants can have corrected reports sent to anyone who received a copy during the past two years.)

What can I do if the CRA won't modify the report?

The new investigation may not resolve your dispute with the CRA. If this happens, have the CRA include your version or a summary of your version of the disputed information in your file and in future reports. At your request, the CRA will also show your version to anyone who recently received a copy of the old report. There is no charge for this service if it's requested within 30 days after you receive notice of your application denial. After that, there may be a reasonable charge.

Do I have to go in person to get the information?

No, you may also request information over the phone. But before the CRA will provide any information, you must establish your identity by completing forms they will send you. If you do wish to visit in person, you'll need to make an appointment.

Are reports prepared on insurance and job applicants different?

If a report is prepared on you in response to an insurance or job application, it may be an *investigative* consumer report. These are much more detailed than regular consumer reports. They often involve interviews with acquaintances about your lifestyle, character, and reputation. Unlike regular consumer reports, you'll be notified in writing when a company orders an investigative report about you. This notice will also explain your right to ask for additional information about the report from the company you applied to. If your application is rejected, however, you may prefer to obtain a *complete* disclosure by contacting the CRA, as outlined in this brochure. Note that the CRA does not have to reveal the sources of the investigative information .

How long can CRA's report unfavorable information?

Generally seven years. Adverse information can't be reported after that, with certain exceptions:

- Bankruptcy information can be reported for 10 years;
- Information reported because of an application for a job with a salary of more than $20,000 has no time limitation;
- Information reported because of an application for more than $50,000 worth of credit or life insurance has no time limitation;
- Information concerning a lawsuit or judgment against you can be reported for seven years or until the statute of limitations runs out, whichever is longer.

Can anyone get a copy of the report?

No, it's only given to those with a legitimate business need.

Are there other laws I should know about?

Yes, if you applied for and were denied credit, the Equal Credit Opportunity Act required creditors to tell you the specific reasons for your denial. For example, the creditor must tell you whether the denial was because you have "no credit file" with a CRA or because the CRA says you have "delinquent obligations." This law also requires creditors to consider, upon request, additional information you might supply about your credit history.

You may wish to obtain the reason for denial from the creditor before you go the credit bureau.

Do women have special problems with credit applications?

Married and formerly married women may encounter some common credit-related problems. For more information, write the FTC for a free brochure on "Women and Credit Histories" at the address listed below.

Where should I report violations of the law?

Although the FTC can't act as your lawyer in private disputes, information about your experiences and concerns is vital to the enforcement of the Fair Credit Reporting Act. Please send questions or complaints to the FTC, Washington, DC 20580.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from Electronic Data Systems Corporation, a corporation ("the respondent"). Under this agreement, the respondent will cease and desist from failing to disclose required information to applicants not accepted for employment, and will mail Commission informational brochures and letters that disclose required information to all applicable applicants who were not accepted for employment during a specified two year period.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action, or make final the proposed order contained in the agreement.

This matter concerns the denial of employment based on information obtained from consumer reporting agencies. The complaint accompanying the proposed consent order alleges that in connection with its employment practices, the respondent engaged in acts and practices in violation of section 615(a) of the Fair Credit Reporting Act and section 5(a)(1) of the Federal Trade Commission Act.

According to the complaint, the respondent has denied applications or rescinded offers for employment based in whole or in part on information supplied by a consumer reporting agency, but has failed to advise consumers that the information so supplied contributed to the adverse action taken on their applications and has failed to advise consumers of the name and address of the consumer reporting agency that supplied the information, in violation of section 615(a) of the Fair Credit Reporting Act.

Further, the complaint alleges that by its failure to comply with section 615(a) of the Fair Credit Reporting Act and pursuant to section 621(a) of the Fair Credit Reporting Act, respondent has engaged in unfair and deceptive acts or practices in or affecting commerce in violation of section 5(a)(1) of the Federal Trade Commission Act.

The consent order contains provisions designed to ensure that the respondent does not engage in similar allegedly illegal acts and practices in the future.

Specifically, part I of the order requires the respondent to cease and desist from failing to provide the required disclosures outlined in section 615(a) of the Fair Credit Reporting Act

whenever employment is denied either wholly or partly because of information contained in a consumer report from a consumer reporting agency.

Further, part I of the order requires the respondent, within ninety (90) days after the date of service of the order, to mail Commission brochures and letters to each consumer denied employment between January 1, 1989, and the date the order becomes effective, based in whole or in part on information contained in a consumer report from a consumer reporting agency. Each letter to consumers against whom adverse action was taken based on a consumer report from a consumer reporting agency, must provide the name and address of the consumer reporting agency that supplied the report in question, as well as the reason for the adverse action.

Part II of the order requires the respondent, its successors, and assigns to maintain documents demonstrating compliance with the order for five (5) years and to make all such documents available to the Commission upon request.

Part III of the order requires the respondent to deliver a copy of the order at least once a year for four (4) years from the date of the order to all present and future employees responsible for respondent's compliance with section 615(a) of the Fair credit Reporting Act.

Part IV of the order requires the respondent to notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure that may affect its compliance with the order.

Part V of the order requires the respondent to file a written report with the Commission within one hundred twenty (120) days after service of the order detailing the manner and form in which it has complied with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 91-13813 Filed 6-7-91; 8:45 am]

BILLING CODE 6750-01-M

[File No. 902 3365]

Jerome Russell Cosmetics U.S.A., Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a California-based cosmetic company and its owner from representing that any product containing a Class I ozone-depleting substance will not damage the ozone layer, and from making unsubstantiated claims that any product containing an ozone-depleting substance offers environmental benefits.

DATES: Comments must be received on or before August 12, 1991.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S-4002, Washington, DC 20580. (202) 326-3158.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

In the Matter of Jerome Russell Cosmetics U.S.A., Inc. a corporation, and David Jerome Marcus, individually and as an officer of said corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Jerome Russell Cosmetics U.S.A., Inc. (hereinafter "Jerome Russell"), a corporation, and David Jerome Marcus, individually and as an officer of said corporation, hereinafer sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed, By and between Jerome Russell, by its duly authorized office, and David Jerome Marcus, individually and as an officer and said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Jerome Russell is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business at 19515 Business Center Drive, Northridge, California 91324.

Proposed respondent David Jerome Marcus is an officer of said corporation. In that capacity, he formulates, directs and controls the acts and practices of said corporation as set forth in the draft of complaint here attached, and his business address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any futher procedural steps.

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law.

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

(d) All claims under the Equal Access to Justice Act.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated hereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute and admission by proposed respondents that the law has been violated as alleged in the draft of complaint as attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here

attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the complaint and the order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For purposes of the Order, the following definitions shall apply:

Competent and reliable scientific evidence means such tests, analyses, research, studies, or other scientific evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted by others in the profession to yield accurate and reliable results.

Class I ozone depleting substance means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in title 6 of the Clean Air Act Amendments of 1990, Public Law No. 101–549, and any other substance which may in the future be added to the list pursuant to title 6 of the Act. Class I subtances currently include chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1–Trichloroethane.

Class II ozone depleting substance means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in title 6 of the Clean Air Act Amendments of 1990, Public Law No. 101–549, and any other substance which may in the future be added to the list pursuant to title 6 of the Act. Class II subtances currently include hydrochlorofluorocarbons.

I

It is ordered, That respondent Jerome Russell Cosmetics, U.S.A., Inc. (hereinafter "Jerome Russell"), a corporation, its successors and assigns, and its officers, and David Jerome Marcus, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by words, depictions, or symbols that any product containing any Class I ozone depleting substance is "ozone safe," "ozone friendly," or through the use of any substantially similar term or expression, that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

II

It is further ordered, That respondent Jerome Russell, a corporation, its successors and assigns, and its officers, and David Jerome Marcus, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by words, depictions or symbols that any product containing any Class I ozone depleting substance or any Class II ozone depleting substance, or any other ozone depleting substance, offers any environmental benefits, including but not limited to any environmental benefit claims concerning the atmosphere, upper atmosphere, stratosphere or the ozone layer, unless at the time of making such representation, respondents possess and rely upon a reasonable basis, consisting of competent and reliable scientific evidence that substantiates such representation.

III

It is further ordered, That for three years from the date that the representations to which they pertain are last disseminated, respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

1. All materials that respondents relied upon in disseminating any representation covered by this order.

2. All tests, reports, studies or surveys in respondents' possession or control or of which they have knowledge that contradict any representation of respondents covered by this order.

IV

It is further ordered, That respondents shall distribute a copy of this order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this order.

V

It is further ordered, That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

VI

It is further ordered, That the individual respondent named herein shall promptly notify the Commission in the event of the discontinuance of his present business or employment and of each affiliation with a new business or employment. In addition, for a period of five (5) years from the date of service of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment whose activities include the sale, distribution and/or manufacturing of cosmetic products or of his affiliation with a new business or employment in which his own duties and responsibilities involve the sale, distribution and/or manufacturing of cosmetic products. Such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this

paragraph shall not affect any other obligation arising under this order.

VII

It is further ordered, That respondents shall, within sixty (60) days after service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondents Jerome Russell Cosmetics, U.S.A., Inc., a California corporation, and David J. Marcus, individually and as an officer of the corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns the labeling and advertising of various Jerome Russell cosmetic products, including Jerome Russell Fluorescent Ultra Hair Glo, Jerome Russell Hair and Body Glitter Spray, Jerome Russell Hair Color and Jerome Russell Fluorescent Color and Glitter. The Commission's complaint charges that the respondents' labeling and advertising contain false representations that these products are "ozone safe" and/or "ozone friendly." The complaint further alleges that the respondents have falsely represented through such advertising and labeling that there are no ingredients in their products which will deplete the ozone layer, even though the products contain a significant ozone depleting chemical—1,1,1-Trichloroethane.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

The proposed order defines ozone depleting substances as either "Class I" or "Class II," incorporating the definitions established in the Clean Air Act Amendments of 1990. Class I substances currently listed under the Act are chlorofluorocarbons ("CFCs"), halons, carbon tetrachloride and 1, 1,1 - Trichloroethane. Class II substances currently listed under the Act are hydrochlorofluorocarbons ("HCFCs").

Part I of the proposed order requires the respondents to cease and desist from representing that products containing any Class I ozone depleting substance are ozone safe or ozone friendly, or through the use of similar terms or expressions, that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

Part II of the proposed order requires respondents to cease and desist from representing that products containing a Class I, Class II or any other ozone depleting substance offer any environmental benefits, unless they possess a reasonable basis for such representations.

Under the Act, the Environmental Protection Agency has authority to add new chemicals to the Class I or Class II lists. Thus, the definitions of Class I and Class II ozone depleting substances specifically include substances that may be added to the lists. If additional substances are added to the Class I and Class II lists, parts I and II of the order become applicable for claims made for products containing those substances after they are added to the lists. In addition, part II applies as well to all unsubstantiated environmental benefit claims made for any product containing an ozone depleting substance, regardless of whether it formally has been listed by the Environmental Protection Agency.

The proposed order also requires respondents to maintain materials relied upon to substantiate claims covered by the order, to distribute copies of the order to certain company officials and employees, to notify the Commission of any changes in corporate structure that might affect compliance with the order, to notify the Commission of any changes in the business or employment of the named individual respondent, and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 91–13815 Filed 6–10–91; 8:45 am]

BILLING CODE 6750–01–M

[Docket No. 9224]

TK–7 Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a corporation, that manufactures and distributes fuel additive products, and its officer, Moshe Tal, from making any representations concerning the efficacy of any fuel or engine additives, unless they possess competent and reliable scientific evidence that substantiates the representation.

DATES: Complaint issued February 7, 1989. Order issued May 17, 1991.[1]

FOR FURTHER INFORMATION CONTACT: William Haynes, FTC/H–238, Washington, DC 20580. (202) 326–3107.

SUPPLEMENTARY INFORMATION: On Tuesday, March 5, 1991, there was published in the **Federal Register,** 56 FR 9224, [correction, 56 FR 12422,] a proposed consent agreement with analysis In the Matter of TK–7 Corporation, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 91–13814 Filed 6–10–91; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Open Forum on the Cancer Information Service

Notice is hereby given of an open forum on the Cancer Information Service (CIS). The forum is for the purpose of receiving public comment on the newly proposed geographic service regions for the CIS program.

The forum will be open to the public on June 21, 1991 from 9 a.m. to adjournment to solicit public comment on the appropriateness of the proposed geographic service regions. The forum will be held in Wilson Hall, located on the third floor of Building 1, on the National Institutes of Health campus in Bethesda, Maryland. To ensure sufficient space, reservations are required and may be made by calling the Conference Registrar at Prospect Associates on (301) 468–MEET.

Other questions concerning the forum may also be directed to the Conference Registrar at Prospect Associates on (301) 468–MEET.

Dated: June 4, 1991.

Bernadine Healy,

Director, National Institutes of Health.

[FR Doc. 91–13912 Filed 6–10–91; 8:45 am]

BILLING CODE 4140–01–M

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee Meeting in June

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration, HHS.

ACTION: Correction of meeting notice.

SUMMARY: Public notice was given in the **Federal Register** on May 3, 1991, Volume 56, No. 86, on page 20432 that:

The Biochemistry Research Subcommittee of the Drug Abuse Biomedical Research Review Committee, NIDA, would meet only June 12. The Committee will now meet June 12–14.

Dated: June 5, 1991.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 91–13789 Filed 6–10–91; 8:45 am]

BILLING CODE 4160–20–M

National Institutes of Health

Opportunity for a License: Construction Method for Difficult-To-Prepare Antigens Useful in the Production of Antibodies

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health desires to license a novel method useful in the production of antibodies against eukaroyotic proteins normally difficult to prepare in large quantities. The desired antigen used to prepare these antibodies is made as a fusion product of *Pseudomonas* exotoxin and a specific epitope of another protein. These fusion proteins result from the cloning the DNA sequence of the desired protein region into a new expression vector which includes the gene for the inactivated endotoxin. Large amounts of these fusion proteins may be subsequently isolated easily and quickly in *E. coli* for use in antibody production. NIH is the assignee of the patient rights for this technology covered under U.S. Patent Application 07/635,889 and developed by Dr. Ira Pastan, Dr. Michael Gottesman, Dr. Edward Bruggeman, and Dr. Vijay Chaudhary of the National Cancer Institute.

ADDRESSES: License applications or inquiries should be directed to: Mr. Steven Ferguson, Technology Management Specialist, Office of Technology Transfer, National Institutes of Health, Building 31, Room B1C36, Bethesda, MD 20892 (telephone: (301) 496–0750).

Date: May 31, 1991.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 91–13756 Filed 6–10–91; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 970–01–4120–14–241A; ALES 43165]

Alabama: Competitive Coal Lease Offering by Sealed Bid

Notice is hereby given that as a result of an application filed by The Pittsburg and Midway Coal Mining Company (A Chevron Company) in Tuscaloosa County, Alabama, coal resources will be offered for competitive leasing by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1947 (61 Stat. 913, 30 U.S.C. 351–359), as amended.

The application is described as follows:

Tuscaloosa County, Alabama

The Yellow Creek Tract

T. 17 S., R. 8 W., Huntsville Meridian,
Sec. 5, N2SW, NENW;
Sec. 6, S2NE, N2SE, SESE;
Sec. 7, NENE, W2NW;
Sec. 8, NENE, SWNE.

The above containing 520 acres, more or less.

T. 17 S., R. 9 W., Huntsville Meridian,
Sec. 2, NWSE, NWSW, W2NW;
Sec. 3, SWSE, SW;
Sec. 4, NENE, S2NE, S2SW;
Sec. 5, E2SE, NESW, W2SW, S2NW, NWNW;
Sec. 6, E2NE, E2SE;
Sec. 7, NENE, SESE, E2SW;
Sec. 8, SENE, NESE, S2SE, S2SW;
Sec. 9, NE, SE, SW;
Sec. 10, NE, NWSE, SW, NW;
Sec. 11, SESE, W2NW;
Sec. 12, SENE, E2SE, SWNW;
Sec. 13, NENE, W2NE, N2SW;
Sec. 14, E2NE, E2SE, NWSE, E2NW;
Sec. 15, W2NE, NWSE, NWSW, NW;
Sec. 17, NE, SE, NESW, NW;
Sec. 18, E2NE, NWNE, W2SW, E2NW;
Sec. 19, SENE, NWNE;
Sec. 20, NWNE, SWNW;
Sec. 22, E2SE, NENW;
Sec. 23, S2NE, NESE;
Sec. 24, E2SE, SWNW;
Sec. 25, NENE, NESE, E2SW;
Sec. 26, NWNW;
Sec. 27, E2NE;
Sec. 35, NE, S2SE;
Sec. 36, NE, SE, E2SW, NW.

The above containing 5,920 acres, more or less.

All of the above situated in Tuscaloosa County, Alabama, containing 6,440 acres, more or less, and limited to the Mary Lee-Blue Creek Seam.

This tract will be leased to the qualified bidder of the highest cash amount provided that the high bid for the tract equals or exceeds the fair market value (FMV) of the tract as determined by the authorized officer after the sale. The Department has established a minimum bid of $100 per acre for the tract. The minimum bid is not to be considered as representing the amount for which the tract may actually be leased, since FMV will be determined in a separate post sale analysis. If identical high sealed bids are received, the tying high bidders will be asked to submit follow-up sealed bids until a high bid is received. All tie breaking bids must be submitted within 15 minutes following the authorized officers' announcement at the sale that identical high bids have been received.

The sale will be held at 10 a.m. Friday, July 12, 1991 in the Eastern States Office Public Room. All bids must be submitted to the Bureau of Land Management, Eastern States Office, 350 South Pickett

Street, Alexandria, Virginia 22304. Each bid must be clearly identified by the tract name or the serial number on the outside of the sealed envelope containing the bid. The bids should be sent by certified mail, return receipt attached or be hand delivered on or before 5 p.m. Thursday, July 11, 1991. Any bids received after 5 p.m. will not be considered.

The coal resources being offered are to be mined underground. The quality of the coal within the proposed lease is as follows:

MARY LEE—BLUE CREEK SEAM

Proximate analysis (percent)	Dry basis
Moisture	2.5
Ash	11.5
Volatile	27.6
Fixed Carbon	58.4
BTU/lb.	12,877
Sulfur	0.9

This seam contains an estimated 24,600,000 short tons of recoverable coal.

Any lease issued as a result of this offering will provide for payment of an annual rental of $3 per acre and a royalty payable to the United States of 8% of the value of coal mined by underground methods which shall be determined in accordance with 43 CFR 3485.2.

Bidding instructions and bidder qualifications are included in the Detailed Statement of Lease Sale. Copies of the Statement and of the proposed coal lease are available at the Bureau of Land Management, Eastern States Office and the Jackson District Office. Case file documents are available for public inspection at the Eastern States Office.

FOR FURTHER INFORMATION CONTACT: Ms. Pearl F. Tillman at (703) 461–1468 or Mr. Ian J. Senio at (703) 461–1445 of the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304.

Dated: June 6, 1991.

Robert J. Bainbridge,

Acting State Director.

[FR Doc. 91–13644 Filed 6–10–91; 8:45 am]

BILLING CODE 4310–GJ–M

[NM–060–4333–10–604]

Amendment for Acquisition of Land Along the Rio Bonito; NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the amendment for the acquisition of land in Lincoln County, New Mexico.

SUMMARY: The BLM announces that it has prepared an amendment to address the acquisition of land in Lincoln County, State of New Mexico.

ADDRESSES: Those people wanting a copy of the amendment may address their request to: Area Manager, Roswell Resource Area, BLM, P.O. Drawer 1857, Roswell, NM.

FOR FURTHER INFORMATION CONTACT: Saundra L. Allen, Area Manager at the address above, or telephone (505) 624–1790.

SUPPLEMENTARY INFORMATION: The amendment addresses the issue of acquiring land in Lincoln County, State of New Mexico. The Federal Land Policy and Management Act (FLPMA) of 1976 (Public Law 94–579) requires that all acquisitions be consistent with land use plans. Section 205b of FLPMA states: "Acquisition pursuant to this section shall be consistent with the mission of the Department involved and with applicable Departmental land use plans."

The area covered by this amendment is in Lincoln County along the Rio Bonito from the National Forest Boundary between sections 15 and 16 in T. 10 S., R. 13 E., NMPM, to its confluence with the Rio Ruidoso in Section 4, T. 11 S., R. 17E., NMPM. The land contains a diverse ecosystem of woodlands, wetlands, and cultivated areas. Potentially the lands can provide recreation, riparian areas, and wildlife habitat for upland game, big game and fisheries. The lands also contain the historical district which surrounds the townsite of Lincoln, New Mexico.

Acquistion of lands along the Rio Bonito offers the unique opportunity of developing a comprehensive resource management program which meets the Bureau's riparian goals, and enhances protection of the historical and cultural values of the Lincoln Historical District.

The Public protest period will extend through July 8, 1991. Any protest must be filed with the Director (760), Bureau of Land Management, Department of the Interior, 18th and C Streets, Washington, DC 20240. Any protest must be postmarked no later than close of business July 8, 1991.

Dated: May 31, 1991.

David L. Mari,

Associate District Manager.

[FR Doc. 91–13793 Filed 6–10–91; 8:45 am]

BILLING CODE 4310–FB–M

Fish and Wildlife Service

Availability of Draft Recovery Plan for the Utah Prairie Dog (Cynomys Parvidens) a Mammal From Southwestern Utah, for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the draft recovery plan for the Utah Prairie Dog (*Cynomys parvidens*) from southwestern Utah. This species is known only from the State of Utah. The Service solicits review and comment from the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before July 26, 1991 to ensure they receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting Field Supervisor, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 2060 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104–5110, 801–524–4430 or (FTS) 588–4430. Written comments and materials regarding this recovery plan should be sent to the Field Supervisor at the Salt Lake City address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: W. Robert Benton, Wildlife Biologist, (see ADDRESSES above) 801–524–4430 or (FTS) 588–4430.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States.

Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recovery levels for down listing or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et*

seq.), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal Agencies also will take these comments into account in the course of implementing approved recovery plans.

The Utah prairie dog is limited to the southwestern quarter of Utah. The total species' population was estimated to be 95,000 animals prior to control programs in the 1920's. By the 1960's, the Utah prairie dog's distribution was greatly reduced due to disease (plague), poisoning, drought, and human-related habitat alteration resulting from cultivation and poor grazing practices. By 1972, it was estimated that there were 3,300 Utah prairie dogs in 37 separate colonies. The Utah prairie dog was listed as an endangered species on June 4, 1973 (38 FR 14678). It appears that the decreasing trend in numbers may have stabilized since 1972. Because of the improved status of the species and the overwhelming increases seen on private lands in the Cedar and Parowan Valleys, the Service determined that the Utah prairie dog was not currently in danger of extinction and reclassified the species to threatened on May 29, 1984. Major recovery activities include: (1) Determination of historical range and species distribution; (2) updating information on present populations and distributions, (3) determination of what factors influence the viability of prairie dog colonies; (4) selection of management and transplant sites; (5) conducting a prairie dog transplant program; (6) monitoring transplanted colonies; (7) ensuring protection of prairie dogs and their habitat on both existing and transplant sites on public and private lands; (8) managing prairie dog colonies by developing and implementing site-specific management plans for each colony or transplant site; and (9) conducting an information and education program.

Public Comments Solicited

The Service solicits written comments on the Utah Prairie Dog Recovery Plan described above. All comments received by the date specified above will be considered prior to approval of the Recovery Plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 5, 1991.

Galen L. Buterbaugh,

Regional Director.

[FR Doc. 91-13786 Filed 6-10-91; 8:45 am]

BILLING CODE 4310-55-M

U.S. Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Eighth Regular Meeting; Twenty-third Meeting of the Standing Committee; Public meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service publishes the time and place for the eighth regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and announces a public meeting to discuss the results of the twenty-third meeting of the CITES Standing Committee and agenda items for the upcoming meeting of the Conference of the Parties. Procedures to apply for observer status at the Conference of the Parties are explained.

DATES: The public meeting will be held on June 25, 1991, from 2–4 p.m. The Service will consider information and comments concerning items on the provisional agenda for the eighth meeting of the Conference of the Parties received by August 25, 1991 (except for items relating to listing of species in the appendices).

ADDRESSES: The public meeting will be held in Conference Room 200 of the Fish and Wildlife Service building, 4401 N. Fairfax Drive. Arlington, VA. Comments on the provisional agenda should be sent to the Director, U.S. Fish and Wildlife Service, c/o Office of Management Authority, 4401 N. Fairfax Drive, room 432, Arlington, VA 22203.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249, hereinafter referred to as CITES, is an international treaty designed to control international trade in certain animal and plant species which are or may become threatened with extinction, and are listed in appendices to the treaty. Currently, 110 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amending the list of species in appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of the Convention.

This is the second in a series of notices which, together with public meetings, provide the public with an opportunity to participate in the development of the United States negotiating positions for the eighth regular meeting of the Conference of the Parties to CITES. The first Federal Register notice was published on February 7, 1991 (56 FR 4965), which requested information from the public on animal or plant species that should be considered by the U.S. for possible amendments to appendix I or appendix II. The Service's regulations governing this public process are found in Title 50 of the Code of Federal Regulations §§ 23.31–23.39.

Notice of the Eighth Regular Meeting of the Conference of the Parties

The Service has received notice from the Secretariat of CITES in Switzerland of the convening of the eighth meeting of the Conference of the Parties (COP8) to be held in Kyoto, Japan from March 2–13, 1992.

Provisional Agenda for COP8

The Service participated in the 23rd meeting of the CITES Standing Committee, and by this notice calls for a public meeting to discuss the results of that meeting and the agenda items for COP8. While it has not yet received formal notice of the provisional agenda for COP8, the Service here produces a draft of that document that was approved by the Standing Committee. A brief description is provided of those agenda items that may not be self-evident to the public:

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Eighth Meeting of the Conference of the Parties

Kyoto (Japan), 2 to 13 March 1991.

Agenda (provisional)

I. Opening ceremony by the Authorities of Japan
II. Welcoming addresses
III. Adoption of the Rules of Procedure
IV. Election of Chairman and Vice-Chairmen of the meeting and of Chairmen of Committees I and II

V. Adoption of the Agenda and Working Programme
VI. Establishment of the Credentials Committee and Committees I and II
VII. Report of the Credentials Committee
VIII. Admission of observers
IX. Matters related to the Standing Committee
1. Report by the Chairman.
2. Election of new members and alternate regional members: The Standing Committee is the governing body of CITES between meetings of the Conference of the Parties. It is composed of representatives of North America (Canada), South and Central America and the Caribbean (Peru), Asia (Nepal), Oceania (New Zealand), Africa (Malawi) and Europe (Sweden), along with Switzerland (the depositary country) and the host of the next CITES meeting (currently Japan) Since Canada is the current North American representative to the Standing Committee, the United States attended the most recent Standing Committee as an observer. The regional representatives of Africa, Asia, and South and Central America and the Caribbean will change after COP8.
X. Report of the Secretariat
XI. Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties
1. Financial report for 1989–1990–1991.
2. Anticipated expenditure for 1992.
3. Budget for 1993–1995 and Medium Term Plan for 1993–1998.
4. External funding.
XII. Committee reports and recommendations
1. Animals Committee.
2. Plants Committee.
3. Identification Manual Committee.
4. Nomenclature Committee.
XIII. Interpretation and implementation of the Convention: It is expected that resolutions will be submitted by one or more Parties dealing with many of these agenda items. Resolutions can only be submitted by Parties, and must be submitted to the Secretariat by October 4, 1991.
1. Terms of reference for the administration of the Secretariat by UNEP: This deals with the clarification of the relationship between the CITES Secretariat and the United Nations Environment Programme (UNEP), in terms of the administration of the Secretariat, including financial, personnel, and policy matters.
2. Report on national reports under Article VIII, paragraph 7, of the Convention: Each Party is required by the Convention to submit an annual report containing a summary of the permits it has granted, and the types and numbers of specimens of species in the CITES Appendices that it has imported and exported. The U.S. CITES Annual reports for 1988 and 1989 are available from the Office of Management Authority (see "**ADDRESSES**", above).
3. Review of alleged infractions: The Secretariat prepares an Infractions Report for each meeting of the Conference of the Parties, which details instances that species listed in the appendices are being adversely affected by trade or the Convention is not being effectively implemented, or actions by Party nations that undermine the effectiveness of the Convention. The Service has already requested that the detrimental trade by Parties with reservations in species listed in appendix I be included in the Infractions Report; it has also requested that the Infractions Report highlight those cases of the most serious infractions, in order to focus the attention of the Parties.
4. Exports of leopard hunting trophies and skins: This refers to the importation of leopard skins, including hunting trophies, under a quota system approved by the Conference of the Parties.
5. Trade in specimens of species transferred to appendix II subject to annual export quotas: This refers to species of crocodilians listed in appendix I, which have populations that have been transferred to appendix II pursuant to annual export quotas, which are voted upon by the Conference of the Parties.
6. Trade in rhinoceros products.
7. Trade in birds: The trade in live wild-caught birds is an issue of great concern to both the United States and the CITES Parties, in that the trade in many species of birds listed in appendix II may be detrimental to their survival. The Parties will address issues relating to the trade in species identified by previous meetings of the conference of the Parties as subject to significant trade and for which insufficient information exists as to the effects of trade on their populations, as well as issues relating to trade in those species that are sensitive to or experience high mortalities in trade.
(a) Significantly traded species.
(b) Trade in species sensitive to high mortality rates.
8. Detrimental trade in sea turtles: This item was placed on the agenda at the request of the Service, and is intended to focus on trade in sea turtles species for which some Parties maintain reservations and continue to trade to the detriment of sea turtle populations. All sea turtles are listed in CITES appendix I; the species with the greatest continuing trade is the hawksbill sea turtle.
9. Trade in crocodilian products: This refers to work by the Animals Committee to institute a system of universal marking for all crocodilian skins in trade, as a response to serious problems of illegal trade in crocodilian skins, parts, and products.
10. Trade in plant specimens.
(a) Trade in flasked seedlings: This refers to artificially propagated flasked seedlings of appendix I orchids, which are treated as appendix II specimens.
(b) Nursery registration for artificially propagated appendix I species.
(c) Artificial propagation and trade in hybrids.
(d) Plant nomenclature.
11. Significant trade in appendix II species: This refers to the trade in those appendix II species identified as subject to significant trade, for which insufficient biological information exists to warrant trade at current levels. The CITES Parties have provided funds to the Internnational Union for the Conservation of Nature and Natural Resources (IUCN) and the Conservation Monitoring Centre to assess priorities in studying these species. The Service has signed a Cooperative Agreement with IUCN to study some of these species, and is committed to providing additional funds for field studies in the near future.
(a) Animals.
(b) Plants.
12. Export of confiscated specimens: This refers to the export of illegally obtained specimens that have been confiscated by government authorities.
13. Marking of specimens.
14. Standardization of CITES permits and certificates: This refers to the development of harmonized permits.
15. Transit.
16. Transport of live specimens: This refers to an anticipated report by the Working Group on Transport of Live Specimens, which met in 1990

and will meet again in July, 1991, to assess the implementation of requirements in the CITES treaty that live animals be prepared without injury, damage to health, or cruel treatment. One or more member nations of the Working Group may propose a resolution for the Conference of the Parties dealing with species subject to high mortality rates in transport.

17. Responsibilities of Scientific Authorities: This refers to an anticipated resolution that will outline the responsibilities of Scientific Authorities, and the process for the issuance of the findings of non-detriment by the Scientific Authority of a country of export, which are required by the CITES treaty. The last meeting of the Animals Committee agreed that such a resolution was necessary, and asked the United States to help develop it.
18. Format and criteria for proposals to register the first commercial captive-breeding operations for an appendix I animal species: This refers to an anticipated resolution that will revise Resolution Conf. 7.10, which allows for the registration of the first commercial captive-breeding operation for a given appendix I animal species, upon a two-thirds majority vote of the Parties. On the recommendation of the Animals Committee, a new resolution is anticipated that will allow each Party's Management Authority to determine which facilities are registered as captive-breeding an appendix I animal species for commercial purposes.
19. Guidelines for evaluating marine turtle ranching proposals.
20. Circus and other traveling exhibitions: This refers to the use of a proposed transit document for circuses and other traveling wildlife exhibitions, in lieu of any other permit or certificate.
21. Implementation of article XVI on appendix III.

XIV. Consideration of proposals for amendment of appendices I and II
1. Proposals submitted pursuant to Resolution on Ranching.
2. Ten Year Review proposals.
3. Proposals concerning export quotas.
4. Other proposals.

XV. Conclusion of the meeting
1. Determination of the time and venue of the next regular meeting of the Conference of the Parties.
2. Closing remarks.

Announcement of Public Meeting

To inform the public of the results of the twenty-third meeting of the Standing Committee and discuss the items in the provisional agenda for COP8, the Service announces that it will hold a public meeting on June 25, 1991, from 2–4 p.m. in Conference Room 200 of the Fish and Wildlife Service Building, 4401 N. Fairfax Dr., Arlington, VA.

Request for Information and Comments

The Service invites information and comments on the COP8 provisional agenda items, excluding item XIV, "Consideration of proposals for amendment of appendices I and II". A separate **Federal Register** notice was published on February 7, 1991 (56 FR 4965), which requested information from the public on animal or plant species that should be considered by the U.S. as possible amendments to the appendices. Item XIV will be the subject of two more separate **Federal Register** notices. Information and comments should be submitted to the Service no later than August 25, 1991.

Observers

Article XI, paragraph 7 of the Convention provides:

Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) International agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(b) National nongovernmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.

Persons wishing to be observers representing United States national non-governmental organizations must receive prior approval of the Fish and Wildlife Service. Requests for such approval should include evidence of technical qualification in protection, conservation or management of wild fauna and flora, on the part of both the organization and the individual representative. Such requests should be sent to the Office of Management Authority (see "**ADDRESSES**", above).

Other Meetings and Notices

The CITES Secretariat has notified the Parties that they must submit by October 4, 1991 any draft resolutions, other documents for consideration, proposals to register the first commercial captive-breeding operation for an appendix I animal species, and proposed amendments to the appendices. The Service plans to publish the following notice: Around the middle of July, 1991, the Service will announce which species it intends to propose to amend the CITES Appendices; around the middle of November, the Service will publish a list of resolutions and proposed amendments to the Appendices received by the CITES Secretariat, for consideration at COP8, along with proposed U.S. negotiating positions on these resolutions and proposals; around the end of February, the Service will publish a notice summarizing its negotiating positions for COP8. The Service plans to hold a public meeting in November, 1992 to receive public input on its proposed negotiating positions.

Author

This notice was prepared by Dr. Susan S. Lieberman, Office of Management Authority, U.S. Fish and Wildlife Service (703/358–2095).

Notice. Conference of the Parties to the Convention on International Trade Eighth regular meeting: Announcement of Public meeting.)

Dated: June 4, 1991.

James C. Leupold,

Director, Fish and Wildlife Service.

[FR Doc. 91–13761 Filed 6–10–91; 8:45 am]

BILLING CODE 4310–55–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31890]

Consolidated Rail Corp.; Trackage Rights Exemption, Indiana Harbor Belt Railroad Co.

Indiana Harbor Belt Railroad Company (IHB) has renewed local and overhead trackage rights originally granted to a predecessor of Consolidated Rail Corporation (Conrail). The trackage rights are over the rail line now owned by the Baltimore & Ohio Chicago Terminal Railroad Company (BOCT), between points of connection with IHB's own lines at Blue Island and McCook, in Cook County, IL.[1] Conrail

[1] The trackage rights were first granted by an agreement between IHB and Conrail's predecessor dated October 31, 1907, and were to expire October 4, 1986. However, the right to use the involved track was extended to October 30, 2006, by letter

Continued

intends to commence operations under the renewed trackage rights on or after June 5, 1991.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19103–2959.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc—Lease and Operate, 360 I.C.C. 653 (1980).

Dated: June 5, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–13834 Filed 6–10–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Abbeville, LA, et al.; Notice of Lodging of Consent Decree Pursuant To Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 13, 1991 a proposed consent decree in *United States* v. *City of Abbeville and State of Louisiana,* Civil Action No. 91–0546–L, was lodged with the United States District Court for the Western District of Louisiana. The proposed consent decree concerns a complaint filed by the United States that alleged violations of the Clean Water Act ("the Act"), 33 U.S.C. 1311, by the City of Abbeville, the publicly owned treatment works in Abbeville, Louisiana. The complaint alleged that the City of Abbeville violated certain terms and conditions of its National Pollutant Discharge Elimination System ("NPDES") permit, issued pursuant to Section 402 of the Act, 33 U.S.C. 1342, including the requirement to restrict effluent discharges for designated pollutants to the limits specified in the Permit and the requirement of the Permit to prohibit bypassing; and further alleged that the City of Abbeville failed to comply with certain Administrative Orders issued by the United States Environmental Protection Agency. The State of Louisiana was joined as a defendant pursuant to section 309(e) of the Clean Water Act, 33 U.S.C. 1319(e), and is liable to the extent that the laws of the State prevent the City of Abbeville from raising the revenues needed to comply with any judgment against the City. The complaint sought injunctive relief to require the City to comply with the Act and its NPDES permit and civil penalties for past violations. The consent decree provides that the City shall henceforth fully comply with the Act and the permit. The City is also required to pay a civil penalty of $25,000 in settlement of the government's civil penalty claims. The State acknowledges its liability under Section 309(e) of the Act.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Abbeville,* D.J. Ref. 90–5–1–1–3162.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of Louisiana, Rm. 3B12, Federal Building, Shreveport, Louisiana 71101, and at the Region VI Office of the United States Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202. Copies of the consent decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Washington, DC 20004. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $3.75 (25 cents per page reproduction cost) payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91–13743 Filed 6–10–91; 8:45 am]

BILLING CODE 4410–01–M

Aluminum Co. of America, et al.; Notice of Lodging of Consent Decree

In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622(i), and the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on May 29, 1991, a proposed consent decree in *United States* v. *Aluminum Company of America, et al.,* Civil Action No. IP 91–591–C, was lodged with the United States District Court for the Southern District of Indiana. The United States filed this action pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, for the cleanup of the Northside Sanitary Landfill Superfund Site ("Site"), located in Zionsville, Indiana, and for the recovery of costs expended by the United States in connection with the Site.

The proposed consent decree is entered into between the United States (on behalf of the United States Environmental Protection Agency ("U.S. EPA"), United States Department of Interior, United States Navy, United States Army, and Federal Bureau of Prisons), the State of Indiana and approximately 180 defendants. Under the proposed decree, approximately thirty (30) settling defendants have agreed to perform a remedial action at the Site that is estimated to cost $25 million. The principal components of the remedy for the Site include: (1) Construction and maintenance of a cap over the landfill that meets the requirements of subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*; (2) construction of a gas venting system for the capped landfill; (3) construction and maintenance of a hydraulic isolation wall; (4) construction and operation of a combined leachate/groundwater collection system; (5) transport of the contaminated groundwater and leachate via pipeline to the Indianapolis Department of Public Works sewer system, and treatment thereof at the Indianapolis Publicly Owned Treatment Works; and (6) monitoring of groundwater, surface water, and leachate.

The proposed decree also requires settling parties to pay the oversight costs that U.S. EPA and the State of Indiana will incur in connection with the remedial action, up to $650,000. In addition, under the proposed decree, the settling parties will pay the Department of Interior $22,500 for natural resource damages.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice,

agreement between Conrail and IHB dated August 15, 1986. The right of IHB to grant the trackage rights was secured by agreements with BOCT's predecessor dated June 29, 1907, and October 31, 1907. While the original agreements predate Commission jurisdiction over such matters, the renewal is subject to Commission jurisdiction. See Great Northern Pac.—Merger—Great Northern, 338 I.C.C. 782,786 (1972). The renewed trackage rights will expire on October 30, 2006.

P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. All comments should refer to *United States* v. *Aluminum Company of America et al.*, DJ Ref. #90–11–2–48D.

The proposed consent decree may be examined at the following offices: (1)The United States Attorney's Office, 46 East Ohio Street, Indianapolis, Indiana; (2) the United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; (3) the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20004. Copies of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC.

Any request for a copy of the decree, not including Exhibits or Settling Defendant signature pages, should be accompanied by a check in the amount of $18.00 ($.25 per page) for copying costs. Any request for a copy of the decree including Exhibits should be accompanied by a check in the amount of $65.00 ($.25 per page) for copying costs. The check should be made payable to the "Consent Decree Library."

Barry M. Hartman,

Acting Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 91–13744 Filed 6–10–91; 8:45 am]

BILLING CODE 4410–01–M

[AAG/A Order No. 48–91]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Immigration and Naturalization Service (INS).

The Priority Automated Commuter Entry System (PACES), JUSTICE/INS–017, is a new off-line personal computer system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) and (11) has been published.

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30 day period in which to comment on the new routine uses of a proposed system of records. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to conclude its review of the system. Therefore, please submit any comments by July 11, 1991. The public, OMB and the Congress are invited to submit any comments to Patricia E. Neely, Staff Assistant, Systems Policy Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 5031 CAB Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report on this system to OMB and the Congress.

The system description is printed below.

Dated: May 23, 1991.

Harry H. Flickinger,

Assistant Attorney General for Administration.

JUSTICE/INS–017

SYSTEM NAME:

Priority Automated Commuter Entry System (PACES).

SYSTEM LOCATION:

Land border ports of entry inspection facilities under the District Offices of the Immigration and Naturalization Service (INS) in the United States as detailed in JUSTICE/INS–999.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States citizens and lawful permanent residents who apply to use dedicated commuter lanes to enter the United States from Canada or Mexico.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will contain application data such as full name, place and date of birth, sex, addresses, telephone numbers, country of citizenship, alien registration number (if applicable), driver's license number and issuing state or province, the make, model, color, year, license number and license issuing state or province of the applicant's vehicle, the name and address of the vehicle's registered owner if different from the applicant, and the amount of fee paid. The application will also include such information as the frequency of border crossings, and the most frequent reason for crossing the border, together with an indication from the individuals as to whether he or she has been convicted of any violations of law. In addition, the file may contain a brief notation indicating that (1) through an independent check of other law enforcement agency systems, INS determined that the applicant had been convicted of a specific violation(s) of law (a finding which could prompt denial of the application) or (2) through a random border inspection, INS identified a specific violation(s) of law which provided cause to remove the individual from the program. Finally, the file will contain letters to the applicants indicating the disposition of their applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1101, 1103, 1201, 1304, and 1356 (Pub. L. No 101–515)

PURPOSE OF THE SYSTEM:

Information in this system will be used to adjudicate applications to travel in commuter lanes which have been established at certain land border entry points into the United States. The lanes have been established to reduce border delays by allowing low-risk frequent border crossers, who have been pre-screened and pre-authorized, to travel across the border subject only to random border inspections.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Revelant information contained In this system of records may be disclosed to the following:

A. To Federal, State, and local government agencies, foreign governments, individuals, and organizations during the course of investigation in the processing of a matter or a proceeding within the purview of the immigration and nationality laws, to elicit information required by the INS to carry out its functions and statutory mandates.

B. Where there is an indication of a violation or potential violation of law (whether civil, criminal or regulatory in nature), to the appropriate agency (whether Federal, State, local or foreign), charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

C. Where there is an indication of a violation or potential violation of the law of another nation (whether civil, criminal or regulatory in nature), to the appropriate foreign government agency charged with the responsibility of investigating or prosecuting such violations or with enforcing or implementing such laws, and to international organizations engaged in the collection and dissemination of intelligence concerning criminal activity.

D. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

E. To the General Services Administration and the National Archives and Records Administration in

records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in manila folders and on hard disk and diskette.

RETRIEVABILITY:

These records are retrieved by name, address, and/or vehicle license number.

SAFEGUARDS:

INS offices are located in building under guard and access to the premises is by official identification. Personal computers are accessed by user identification and password levels to assure that accessibility is limited to persons having a need-to-know. Similarly, paper records are protected from unauthorized access in locked files.

RETENTION AND DISPOSAL:

INS proposes to maintain all records for three years after the dedicated commuter lane permit expires or for three years after the denial of an application or removal of an individual from the program. Litigation records would be maintained three years after resolution or court decision. At the end of the three years, automated records will be erased, and paper records will be destroyed by shredding. The INS proposal is pending approval by the Department of Justice and by the Archivist of the United States.

SYSTEM MANAGER AND ADDRESS:

Assistant Commissioner, Inspections, 425 I Street, NW, Washington, DC 20536.

NOTIFICATION PROCEDURES:

Address your inquiries to the Port Director (if known) or to the system manager identified above.

RECORDS ACCESS PROCEDURES:

Make all requests for access in writing to the Freedom of Information Act/Privacy Act (FOIA/PA) Officer at the nearest INS Office, or in the INS office maintaining the desired records (if known) by using the List of JUSTICE/INS–999, published in the **Federal Register**. Clearly mark the envelope and letter "Privacy Act Request." Provide the A-file number and/or the full name and date of birth, with a notarized signature of the individual who is the subject of the records, and a return address.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information in the record to the FOIA/PA Officer at one of the addresses identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope and letter "Privacy Act Request." Provide the A-file number and/or the full name and date of birth, with a notarized signature of the individual who is subject of the records, and a return address.

RECORD SOURCE CATEGORIES:

The primary source of information is the application. Other law enforcement records systems may be used as sources.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 91–13745 Filed 6–10–91; 8:45 am]
BILLING CODE 4410–10–M

Drug Enforcement Administration

Eugene Tapia, M.D.; Denial of Application

On March 14, 1991, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Eugene Tapia, M.D. of 780 E. Bobwhite Court, Fresno, California 93720, proposing to deny the application, executed on October 12, 1989, for registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that Dr. Tapia's registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

The Order to Show Cause was sent to Dr. Tapia by registered mail. More than thirty days have passed since the Order to Show Cause was received by Dr. Tapia and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and 1301.54(d), Eugene Tapia, M.D. is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that beginning in 1980, Dr. Tapia was involved in a large racketeering enterprise, Drug Industry Consultants, Inc. (DIC), formed for the purpose of generating cash through the sale of controlled substances and by defrauding the Illinois Department of Public Aid (IDPA) and Medicaid Program. DIC owned and controlled numerous pharmacies and sham medical clinics throughout the Chicago metropolitan area which served as fronts for the sale of controlled substances such as cough syrup and Doriden (glutethimide). When a codeine type cough syrup (e.g., Tussionex) and a sedative such as Doriden are ingested in combination, the effect on the user is a heightened euphoria. This combination is referred to in street terms as "loads" or "fours and doors."

Not only did physicians at the DIC clinics sign prescription forms for these abused controlled substances, they were also expected to sign orders for unnecessary blood and other tests. Patients who did not possess a legitimate Medicaid card were required to pay $5.00 in cash to clinic personnel in order to see the doctor and obtain the desired drugs. Patients were informed that they would have to submit to the unnecessary lab tests so that Medicaid could be billed. Minimal or no medical examinations were performed by the DIC physicians before providing the medically unnecessary prescriptions to the patients; however, the doctors were instructed to maintain patient records in a fashion such that it would appear that the individual receiving cough syrup and Doriden had a legitimate medical need for the substances.

After receiving the prescriptions, patients usually were dispensed only the Doriden and cough syrup (in exchange for $25.00–$30.00 cash) although the prescription listed numerous other drugs. The pharmacists and the pharmacy involved would then submit invoices to IDPA seeking reimbursement for the unnecessary and frequently non-dispensed items. Examination of these invoices submitted to IDPA reveals that numerous patients supposedly received anywhere from 8 to 57 prescription and nonprescription items per visit. DIC controlled pharmacies received over $10.1 million in reimbursement for their supposed dispensing of services and drugs, etc. Physicians employed by DIC received approximately $4.2 million in IDPA reimbursement.

On November 6, 1982, Dr. Tapia participated in distributing, via prescription, Tussionex and Doriden to an undercover state investigator. During this visit, Dr. Tapia and others dispensed numerous other medically unnecessary items to undercover agents which were reimbursable by IDPA. On January 21 and February 10, 1983, the IDPA and Comptroller's office mailed partial reimbursement for these unnecessary items. This served as the basis for Dr. Tapia's indictment by a grand Jury in the United States District Court for the Northern District of Illinois for violation of 21 U.S.C. 841 (illegal

distribution of controlled substances), 18 U.S.C. 1341 (mail fraud), and 18 U.S.C. 1962 (RICO). Dr. Tapia pled guilty to two counts of mail fraud under the terms of a plea agreement. On April 11, 1986, Dr. Tapia was sentenced to six months imprisonment, five years probation and was required to secure counseling. In the plea agreement, Dr. Tapia admitted his participation in the Medicaid and drug distribution fraud.

On May 23, 1985, the Illinois Department of Registration and Education summarily suspended both Dr. Tapia's license to practice medicine and his controlled substance registration. On June 12, 1985, Dr. Tapia's controlled substance license in Illinois was ordered revoked for a period of no less than five years. The grounds for the suspension were that Respondent's conduct constituted "unprofessional incompetence as manifested by poor standards of care * * *" as well as "* * * dishonorable, unethical [and] unprofessional conduct of a character likely to deceive, defraud or harm the public."

On June 10, 1986, the California Board of Medical Quality Assurance ordered the revocation of Dr. Tapia's physician's and surgeon's license. However, the Board stayed the execution of the order of revocation and placed Dr. Tapia on probation for five years. As part of his probation, he was suspended from the practice of medicine for six months; ordered to maintain a record of all controlled substances prescribed, dispensed, or administered; directed to perform community service; required to participate in an educational program; and required to pass an oral clinical examination in family practice and obstetrics. On February 6, 1987, Dr. Tapia passed his oral clinical examination and completed his six-month suspension from the practice of medicine.

On April 23, 1987, an Order to Show Cause was issued by DEA proposing to revoke Dr. Tapia's then current DEA Certificate of Registration AT3700134, alleging that his continued registration would be inconsistent with the public interest. Dr. Tapia filed a written statement detailing his position on the issues raised by the Order to Show Cause, but did not request a hearing. After reviewing the investigative file, as well as Dr. Tapia's written statement, the Administrator of the Drug Enforcement Administration revoked Dr. Tapia's DEA Certificate of Registration, effective September 14, 1987, in an order found at Volume 52, Federal Register, page 30458 (August 14, 1987). On October 12, 1989, Dr. Tapia submitted the application for registration which is the subject of this final order.

The Administrator may deny an application for a DEA Certificate of Registration if he determines that the registration of the applicant would be inconsistent with the public interest. Pursuant to 21 U.S.C. 823(f), the Administrator considers the following factors in determining the public interest: (1) The recommendation of the appropriate state licensing board or professional disciplinary authority; (2) the applicant's experience in dispensing or conducting research with respect to controlled substances; (3) the applicant's conviction record under Federal or state laws relating to the manufacture, distribution or dispensing of controlled substances; (4) compliance with applicable state, Federal or local laws relating to controlled substance; and (5) such other conduct which may threaten the public health and safety.

The Administrator may rely on any one or a combination of those enumerated factors. He may give such factors the weight he deems appropriate in determining whether an application should be denied. See, Fredal Pharmacy, 55 FR 53592 (1990); Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989); Neveille H. Williams, D.D.S., Docket No. 87–47, 53 FR 23465 (1988); David E. Trawick, D.D.S., Docket No. 88–69, 53 FR 5326 (1988).

Both the State of Illinois Department of Registration and Education and the California Board of Medical Quality Assurance found Dr. Tapia's admitted acts in the April 25, 1985, plea agreement to be "* * * unprofessional conduct * * * in violation of Federal statutes which offenses were substantially related to the qualifications, functions, and duties of physician and surgeon." Dr. Tapia's registration to handle controlled substances in the State of Illinois was revoked for a period of no less than five years in 1985. Although Dr. Tapia is currently authorized to practice medicine in the State of California, his license to practice medicine is on probation.

Dr. Tapia's experience in dispensing controlled substances was negligent and irresponsible. This negligence and irresponsibility is amply demonstrated by Dr. Tapia's active involvement in a "medical practice" which caused the distribution of abused controlled substances without complete physical examinations and for no legitimate medical need. His past experience with controlled substances displays an aptitude for seeking monetary gain rather than providing legitimate medical services.

Dr. Tapia's lack of compliance with applicable laws relating to controlled substances also indicates that he should not be registered with DEA. Dr. Tapia has been convicted of mail fraud in connection with a scheme to illegally distribute controlled substances. Dr. Tapia has admitted his participation in the Medicaid and drug distribution fraud. His fraudulent practices were an abuse of his authority to prescribe controlled substances. Such conduct displayed a clear disregard for the law, wholly inconsistent with the public interest.

No evidence of explanation or mitigating circumstances has been offered by Dr. Tapia. Therefore, the Administrator concludes that Dr. Tapia's application for registration must be denied.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), hereby orders that the application, executed on October 12, 1989, for registration under the Controlled Substances Act submitted by Eugene Tapia, M.D., be, and it hereby is, denied.

Dated: June 3, 1991.

Robert C. Bonner,

Administrator of Drug Enforcement

[FR Doc. 91–13750 Filed 6–10–91; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of

the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable. How often the recordkeeping/reporting requirement is needed. Who will be required to or asked to report or keep records. Whether small businesses or organizations are affected. An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3208, Washington, DC 20503 (Telephone (202) 395–6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Mine Safety and Health Administration

Radiation Sampling and Exposure Records

1219–003

Weekly; annually

Underground uranium mine operators and metal and nonmetal mine operators where radon daughter concentrations exceed 0.3 WL 35 respondents; 7.75 hours per response; 13,563 total burden hours

Requires operators of uranium mines and metal and nonmetal mines, where concentrations of radon daughters exceeds 0.3 WL, to calculate, record, and report to MSHA individual miner's exposures to concentrations of radon daughters. Records are maintained by the mine operator and are submitted to MSHA annually.

Bureau of Labor Statistics

Local Area Unemployment Statistics Reports 6, 8, 13–15

OMB No. *1220–0043;* LAUS 6, 8, 13–15

Form No.	Affected public	Respondents	Frequency	Average time per response
LAUS 6	State Governments	52	Monthly	30 Minutes
LAUS 8	State Governments	52	10 per yr	2.0 Hours.
LAUS 13	State Governments	52	3 per yr	1.0 Hour.
LAUS 14	State Governments	52	3 per yr	1.0 Hour
LAUS 15	State Governments	52	2 per yr	4.0 Hours.

2080 total hours.

These reports provide essential technical management information regarding the quality, accuracy, consistency, and conformance to BLS standards of the data and procedures used in LAUS estimation. Signed at Washington, DC this 6th day of June, 1991.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 91–13827 Filed 6–10–91; 8:45 am]

BILLING CODE 4510–43–M

Employment and Training Administration

[TA–W–25,487]

American Telephone & Telegraph Co., Inc., AT&T Shreveport Works, 9595 Mansfield Road, Shreveport, LA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on April 25, 1991 applicable to all workers of AT&T Communications Products, Sourcing and Manufacturing, Shreveport, Louisiana. The Certification was published in the Federal Register on May 21, 1991 (56 FR 23302).

At the request of the State Agency the Department reviewed the subject certification. The company provided new information showing that the correct worker group producing coin operated telephones and parts is the AT&T Shreveport Works at 9595 Mansfield Road in Shreveport, Louisiana and that the heading of AT&T Communications Products, Sourcing and Manufacturing on the initial certification is a division to which the Shreveport Works belongs. The notice, therefore, is amended to properly reflect the correct worker group.

The amended notice applicable to TA–W–25,487 is hereby issued as follows:

All workers producing coin operated telephones and parts at the AT&T Shreveport Works, 9595 Mansfield Road, Shreveport, Louisiana who became totally or partially separated from employment on or after February 22, 1990 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 4th day of June 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91–13826 Filed 6–10–91; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–25, 248]

Detroit Strip Division, Cyclops Corp., Detroit, MI; Notice of Negative Determination on Reconsideration

On May 17, 1991, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Detroit Strip Division, Cyclops Corporation, Detroit, Michigan. This notice was published in the Federal Register on May 24, 1991 (56 FR 23938).

The petitioner, a former company official, states that the Department's customer survey did not reflect the true import picture since U.S. aggregate imports of carbon cold rolled strip steel increased absolutely and relative to domestic shipments in the first nine months of 1990 compared to the same period in 1989. The petitioner claims that

Detroit Strip's profitability was impacted by increased imports and lower selling prices.

An additional list of customers with declining purchases from Detroit Strip was submitted.

In applying the increased import criterion of the Group Eligibility Requirements of the Trade Act to worker separations at the subject plant, it must be shown that these increased imports "contributed importantly" to worker separations and declines in sales or production. Although the investigation showed that there were increased imports in 1990, these imports did not "contribute importantly" to worker separations at Detroit Strip.

On reconsideration, the Department conducted an additional customer survey from the list of customers submitted by the former company official. Respondents from this survey accounted for a substantial portion of Detroit Strip's sales decline in 1990 compared to 1989. The survey results show that the repsondents either did not import cold rolled strip or had declining purchases of cold rolled strip from foreign sources in 1990 compared to 1989. The reasons provided by the customers for their reduced purchases from Detroit Strip were not trade related.

Further, profitability and price are not criteria on which a worker group certification is based.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers and former workers of the Detroit Strip Division of Cyclops Corporation in Detroit, Michigan.

Signed at Washington, DC, this 31st day of May, 1991.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91-13823 Filed 6-10-91; 8:45 am]

BILLING CODE 4150-30-M

[TA-W-25,557]

Mecon Manufacturing; Oxford, ME; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 18, 1991 in response to a worker petition which was filed on March 18, 1991 on behalf of workers at Mecon Manufacturing, Oxford, Maine.

A negative determination applicable to the petitioning group of workers was issued on December 14, 1990 (TA-W-24, 914). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 4th day of June 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustments Assistance.

[FR Doc. 91-13824 Filed 6-10-91; 8:45 am]

BILLING CODE 4510-30-M

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of May 1991.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-25, 304; Tektronix, Inc., Personal Test Instrument Div., Beaverton, OR

TA-W-25, 594; Hercules, Inc., Hard Resin Dept., Burlington, NJ

TA-W-25, 636; Houston Ceramics, Houston, MS

TA-W-25, 624; H.O. Trerice Co., Oak Park, MI

TA-W-25, 635; Tric-Trac Ltd, New York, NY

TA-W-25, 651; Litchfield Precision Components, Litchfield, MN

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-25, 626; Jakel, Inc., Palestine, IL

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25, 752; Meisel-Peskin Co., Inc., Brooklyn, NY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25, 657; Universal Furniture, Inc., Edison, NJ

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25, 429; Midwest Aluminum Manufacturing Corp., Kalamazoo, MI

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25, 518; Work Wear Corp., (Formerly Mars White Knight & White Knight Health Care), Asheville, NC

U.S. imports of sanitary paper products was negligible in the relevant period.

TA-W-25, 757; Tootal American, Inc., Old Fort, NC

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25, 623; General Cable Telecommunication, New Brunswick, NJ

The investigation revealed that criterion (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification.

Affirmative Determinations

TA-W-25, 637; Alcoa Fujihura, Ltd, Ripley, MS

A certification was issued covering all workers separated on or after March 22, 1990.

TA-W-25, 595; Hughes Optical Products, Inc., Des Plaines, IL

A certification was issued covering all workers separated on or after March 7, 1990.

TA-W-25, 649; Hamilton Beach/Proctor Silex, Inc., Southern Pines, NC

A certification was issued covering all workers separated on or after March 22, 1990.

TA-W-25, 613; Alliance Rubber Co., Alliance, OH

A certification was issued covering all workers separated on or after March 19, 1990.

TA-W-25, 677; Keystone Carbon Co., Headquarter Unit & Thermistor Unit, St. Marys, PA

A certification was issued covering all workers separated on or after April 1, 1990.

TA-W-25, 628; Macalloy Corp., Charleston, SC

A certification was issued covering all workers separated on or after March 21, 1990.

TA-W-25, 625; Hoyt-Worthen Tanning Corp, Haverhill, MA

A certification was issued covering all workers separated on or after March 21, 1990.

TA-W-25, 653; Prairietek Corp., Longmont, CO

A certification was issued covering all workers separated on or after March 25, 1990.

TA-W-25, 428; Max Kahn Curtain Corp. D/B/A Steven Robert Co., Evergreen, AL

A certification was issued covering all workers separated on or after January 31, 1990.

TA-W-25, 550; Globe Industries, Inc., Rossford, OH

A certification was issued covering all workers separated on or after March 1, 1991.

TA-W-25, 586; Air Baby, Inc., Blauvelt, NY

A certification was issued covering all workers separated on or after March 11, 1990 and before March 31, 1991.

TA-W-25, 630; New Jersey Tanning Co., Newark, NJ

A certification was issued covering all workers separated on or after March 11, 1990.

TA-W-25, 610; Waterville Knitting Mill, Waterville, NY

A certification was issued covering all workers separated on or after March 11, 1990.

TA-W-25, 526; Blueberry Woolens, Inc., Anson, ME

A certification was issued covering all workers separated on or after February 20, 1990.

TA-W-25, 547; G & M Knitting Mills, Ridgewood Queen, NY

A certification was issued covering all workers separated on or after March 7, 1990 and before January 31, 1991.

I hereby certify that the aforementioned determinations were issued during the month of May, 1991. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: June 3, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-13825 Filed 6-10-91; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Notice of Additions to the Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: These additions to the annual list of labor surplus areas are effective June 1, 1991.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: William J. McGarrity, Labor Economist, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4470, Attention: TEESS, Washington, DC 20210. Telephone: 202-535-0189.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas. Executive agencies should refer to Federal Acquisition Regulation Part 20 (48 CFR Part 20) in order to assess the impact of the labor surplus area program on particular procurement.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Acquisition Regulation Part 25 (48 CFR part 25) implements Executive Order 12260. Executive agencies should refer to Federal Acquisition Regulation part 25 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on October 19, 1990, (55 FR 42509).

Subpart B of part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under subpart A. Thus, labor surplus areas under Executive order 12073 are also areas of substantial unemployment under Executive order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(b)(48 FR 15615 April 12, 1983) and are effective June 1, 1991.

The list of labor surplus areas is published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on May 29, 1991.

Roberts T. Jones,

Assistant Secretary or Labor.

Additions to the Annual List of Labor Surplus Areas

June 1, 1991

Labor Surplus areas	Civil jurisdictions included
Georgia:	
Coweta County	Coweta County.
LaGrange City	LaGrange City in Troup County.
Maine:	
Piscataquis County	Piscataquis County.
Massachusetts:	
Wareham Town	Wareham Town in Plymouth County.
New Bedford MSA (Metropolitan Statistical Area).	Bristol County (part): Acushnet Town, Dartmouth Town, Fairhaven Town, Freetown Town, New Bedford City. Plymouth County (part): Marion Town, Mattapoisett Town, Rochester Town.

Labor Surplus areas	Civil jurisdictions included
Worcester MSA (Metropolitan Statistical Area).	Worcester County (part): Auburn Town, Barre Town, Boylston Town, Brookfield Town, Charlton Town, Clinton Town, Douglas Town, Dudley Town, East Brookfield Town, Grafton Town, Holden Town, Leicester Town, Millbury Town, Northborough Town, Northbridge Town, North Brookfield Town, Oxford Town, Paxton Town, Princeton Town, Rutland Town, Shrewsbury Town, Spencer Town, Sterling Town, Sutton Town, Uxbridge Town, Webster Town, Westborough Town, West Boylston Town, Worcester City.

[FR Doc. 91-13828 Filed 6-10-91; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Lambert Coal Co.

[Docket No. 91-43-C]

Lambert Coal Company, P.O. Box 304, Nora, Virginia 34272 has filed a petition to modify the application of 30 CFR 75.1701-1 to its No. 48 Mine (I.D. No. 44-06582) located in Dickenson County, Virginia. The petitioner states that the use of canopies on equipment will result in unsafe conditions to the miners.

2. U.S. Steel Mining Co., Inc.

[Docket No. M-91-44-C]

U.S. Steel Mining Company, Inc., 600 Grant Street, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.1105 to its Shawnee Mine (I.D. No. 46-05907) located in Wyoming County, West Virginia. The petitioner proposes to enclose electrical equipment in a monitored fireproof structure in lieu of ventilating the equipment to the return.

3. U.S. Steel Mining Co., Inc.

[Docket No. M-91-45-C]

U.S. Steel Mining Company, Inc., 600 Grant Street, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.1105 to its No. 50 Mine (I.D. No. 46-01816) located in Wyoming County, West Virginia. The petitioner proposes to enclose electrical equipment in a monitored fireproof structure in lieu of ventilating the pump to a return aircourse.

4. Canterbury Coal Co.

[Docket No. M-91-46-C]

Canterbury Coal Company, R.D. 1, Box 119, Avonmore, Pennsylvania 15618 has filed a petition to modify the application of 30 CFR 75.1100-3 to its DiAnne Mine (I.D. No. 36-05708) located in Armstrong County, Pennsylvania. The petitioner proposes to maintain a dry waterline, equipped with an automatic valve actuated by a signal from fire sensors, along the slope belt.

5. Leeco, Inc.

[Docket No. M-91-47-C]

Leeco, Inc., 100 Coal Drive, London, Kentucky 40741 has filed a petition to modify the application of 30 CFR 75.1710-1 to its No. 62 Mine (I.D. No. 15-16412) and its No. 63 Mine (I.D. No. 15-16413) located in Perry County, Kentucky. The petitioner states that the use of canopies on equipment will result in a diminution of safety to miners.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 11, 1991. Copies of the petitions are available for inspection at that address.

Dated: May 30, 1991.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 91-13822 Filed 6-10-91; 8:45 am]
BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Oregon State Standard: Approval

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Approval of the Oregon State standard, proximity to overhead high voltage lines and equipment.

SUMMARY: This notice approves the Oregon standard for Proximity to Overhead High Voltage Lines and Equipment submitted for OSHA approval on October 18, 1984. Oregon has adopted the standard as part of its general industry electrical standard to provide additional protective requirements for general industry regarding work activity in proximity to overhead high voltage lines and equipment. There are no requirements in OSHA's general industry electrical standards at 29 CFR part 1910 Subpart S which are equivalent to Oregon's additional requirements. Where a State standard adopted pursuant to an OSHA-approved State plan differs significantly from a comparable Federal standard or is a State-initiated standard, the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (the Act) requires that the State standard must be "at least as effective" in providing safe and healthful employment and places of employment. In addition, if the standard is applicable to a product distributed or used in interstate commerce, it must be required by compelling local conditions and not pose any undue burden on interstate commerce.

On July 21, 1987, OSHA published a **Federal Register** notice (52 FR 27417) requesting public comment on whether the Oregon standard meets both the "at least as effective" criterion and the product clause test of section 18(c)(2) of the Act. This notice invited interested persons to submit by August 20, 1987, written comments and views regarding the Oregon standard and whether it should be approved by the Assistant Secretary. OSHA received one comment in response to this notice.

EFFECTIVE DATE: June 11, 1991.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

A. Background

The requirements for adoption and enforcement of safety and health standards by a State with a State plan approved under section 18(b) of the Act are set forth in section 18(c)(2) of the Act and in 29 CFR part 1902, 29 CFR 1952.7, and 29 CFR 1953.21, 1953.22 and 1953.23. OSHA regulations require that States respond to the adoption of new or revised permanent Federal standards by State promulgation of comparable standards within six months of OSHA publication in the **Federal Register** (29 CFR 1953.23(a)); a 30-day response time is required for State adoption of a standard comparable to a Federal emergency temporary standard (29 CFR 1953.22(a)). Independent State standards also must be submitted for OSHA's review and approval. Newly adopted

State standards or revisions to existing standards must be submitted for OSHA review and approval under procedures set forth in 29 CFR part 1953, but are enforceable by the State prior to Federal review and approval. Section 18(c)(2) of the Act provides that if State standards which are not identical to Federal standards are applicable to products which are distributed or used in interstate commerce, such standards must be required by compelling local conditions and must not unduly burden interstate commerce. (This latter requirement is commonly referred to as the "product clause.")

On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon State plan and the adoption of subpart D to part 1952 containing the decision. The Oregon plan provides for the adoption of State standards in the following manner.

The Oregon Occupational Safety and Health Division adopts standards in response to Federal standards adopted by OSHA, or drafts such standards as it considers necessary in accordance with State safety and health experience, or upon consideration of recommendations from national standards-setting organizations, the U.S. Departments of Labor and Health and Human Services, employers, employees, and employee representatives.

The Oregon plan provides for adoption of permanent rules after giving public notice in the Secretary of State's rulemaking bulletin, to provide opportunity for the public to comment or request a hearing, considering comments and information gathered at hearings when appropriate and filing with the Secretary of State as an adopted rule.

The State has submitted a State-initiated plan change by letter, with attachments, dated October 18, 1984, from William J. Brown, Director of Oregon Workers' Compensation Department, to James W. Lake, Regional Administrator, and incorporated as part of its plan the standard on Proximity to Overhead Voltage Lines and Equipment (OAR 437–67–004(3) and 437–67–430 through 445). The standard prohibits employers from requiring or permitting employees to work in proximity to high-voltage lines unless accidental contact is effectively guarded against. Procedures for protecting employees against contact are set forth in the standard.

It should be noted that these rules were formerly a part of the Oregon electrical code, but were not included when Oregon adopted a new general industry electrical code consisting of substantially identical rules in response to the Federal electrical standards at 29 CFR part 1910 subpart S which were promulgated in 1981.

Pursuant to State procedures, Oregon provided notice in the Secretary of State's Administrative Rules Bulletin on August 15, 1984 and mailed copies of this notice to those on the Department's list of interested parties on August 10, 1984. No written comments or requests for hearing were received. Oregon then adopted its proposed rules on September 24, 1984, effective October 1, 1984.

(Note: The standard is currently numbered OAR 437–02–321 through 324 in the new Division 2/S, Electrical, and is repeated for employer convenience at OAR 437–02–069 through 075 in the new Division 2/F, Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms.)

There are no requirements in OSHA's general industry electrical standards at 29 CFR part 1910 subpart S which are equivalent to Oregon's additional requirements. Although there is a parallel requirement at 29 CFR 1926.550(a)(15), this regulation applies only to construction and not to general industry. There are several general industry standards addressing minimum clearance distances in proximity to energized conductors for operating cranes, derricks, and vehicle mounted work platforms at 29 CFR 1910. 180(j)(1), 1910.181(j)(5), and 1910.67(b)(4), respectively, but these have a much more limited scope than Oregon's standard. Though the State adopted its standard primarily to provide protection for workers operating scaffolds, mobile lifts and scissor lifts, the scope of Oregon's standard is now identical to that of the Federal electrical standard and covers all electrical installations and utilization equipment.

B. Public Participation

On July 21, 1987, OSHA published a **Federal Register** notice (52 FR 27417) requesting public comment on whether the Oregon standard meets both the "at least as effective" criterion and the product clause test of section 18(c)(2) of the Act. This notice invited interested persons to submit by August 20, 1987, written comments and views regarding the Oregon standard on Proximity to Overhead High Voltage Lines and Equipment and whether it should be approved by the Assistant Secretary. In response to this notice, one comment was received from Mr. W. Scott Railton of Reed, Smith, Shaw and McClay, Washington, DC 20036–4192.

Mr. Railton commented that the standard is largely redundant because of the other 29 CFR part 1910 standards, and that the duplication could produce confusion among employers as to compliance obligations. However, as Mr. Railton noted, the Oregon standard has a broader scope, and also contains three additional requirements—a watchman, a warning sign, and notification to the operator of the high-voltage line—as well as some clarifications of the ten foot clearance requirement, such as when equipment is in transit on smooth surfaces.

Based on its own review, OSHA has found that though there is some duplication, any confusion among employers as to compliance obligations should be minimized by the fact that all employers working with electrical installations and utilization equipment must comply with this State-initiated standard on high voltage clearance distances, along with the rest of Oregon's electrical standards. The other references in 29 CFR 1910 (and Oregon's counterpart standards) to clearance distances cover only a few types of equipment and are basically a reminder of this general and more stringent requirement.

C. Decision

Having reviewed the State submission and public comments submitted in response to the July 21, 1987 **Federal Register** notice, OSHA has determined that:

(1) The State standard meets the "at least as effective" criterion of section 18(c)(2) of the Act because there are no comparable requirements in the Federal electrical standards, and because the other Federal general industry standards addressing this issue are much more limited in scope and lack Oregon's additional requirements.

(2) The record on this standard includes no persuasive evidence, developed by or submitted to OSHA, that the standard is not in compliance with the product clause test of section 18(c)(2) of the Act; therefore the standard is presumed to be in compliance with section 18(c)(2) of the Act.

OSHA therefore approves the Oregon standard on Proximity to Overhead High Voltage Lines and Equipment.

E. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 1111 Third Avenue, Suite 715, Seattle, Washington 98101–3212; Oregon Occupational Safety and Health Division, Department of

Insurance and Finance, Labor and Industries Building, Salem, Oregon 97310; and the Office of State Programs, Occupational Safety and Health Administration, room N–3476, 200 Constitution Avenue, NW., Washington, DC 20210.

This decision is effective June 11, 1991.

Authority: Sec. 18, Pub. L. 91–596; 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902; Secretary of Labor's Order No. 1–90 (55 FR 9033).

Signed this 5th day of June, 1991.

Gerard F. Scannell,

Assistant Secretary.

[FR Doc. 91–13796 Filed 6–10–91; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 91–51]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

Federal Register Citation of Previous Announcement:

56 FR 21507, Notice Number 91–38, May 9, 1991.

Previously Announced Times and Dates of Meeting:

June 11, 1991, 8 a.m. to 5 p.m.

Meeting has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: Mr. Sam Venneri, Office of Aeronautics, Exploration and Technology, National Aeronautics and Space Administration, Washington, DC 20546 (202/453–2760).

Dated: June 6, 1991.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 91–13626 Filed 6–10–91; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste Working Group Meeting; Meeting

The Advisory Committee on Nuclear Waste will hold a working group meeting on June 26 and 28, 1991, at the Center for Nuclear Waste Regulatory Analyses (CNWRA), Southwest Research Institute, San Antonio, TX.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, June 26, 1991—8:30 a.m. Until the Conclusion of Business

The Working Group will hear briefings by staff of the CNWRA on technical assistance activities being conducted in support of the NRC Division of High-Level Waste Management.

Friday, June 28, 1991—10 a.m. Until 11:30 a.m.

The Working Group may reconvene at 10 a.m. for closing comments.

Oral statements may be presented by members of the public with the concurrence of the Working Group Chairman; written statements will be accepted and made available to the Group. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Working Group, its consultants, and staff. Persons desiring to make oral statements should notify the ACNW staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Working Group, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Working Group will then hear presentations by and hold discussions with representatives of the Center for Nuclear Waste Regulatory Analyses.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Official, Ms. Charlotte Abrams (telephone 301/492–8371) between 8 a.m. and 5 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: June 4, 1991.

R.K. Major,

Chief, Nuclear Waste Branch.

[FR Doc. 91–13804 Filed 6–10–91; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Joint Subcommittee on Plant Operations and Probabilistic Risk Assessment; Revised Notice

A portion of the ACRS joint Subcommittee meeting on Plant Operations and Probabilistic Risk Assessment scheduled to be held on Wednesday, June 5, 1991, room P–110, 7920 Norfolk Avenue, Bethesda, MD, will be closed to discuss foreign Proprietary Information (5 U.S.C. 552b(c)(4)). All other items pertaining to this meeting remain the same as published previously in the Federal Register on Thursday, May 23, 1991 (56 FR 23726).

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Paul Boehnert (telephone 301/492–8558) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: June 4, 1991.

Richard Savio,

ACRS, Assistant Executive Director for Nuclear Reactors and Nuclear Waste.

[FR Doc. 91–13803 Filed 6–10–91; 8:45 am]

BILLING CODE 7590–01–M

NUREG: Issuance, Availability

The Nuclear Regulatory Commission has issued NUREG–1435, Volume 2, Status of Safety Issues at Licensed Power Plants, Unresolved Safety Issues. The document covers the status of implementation and verification of Unresolved Safety Issues at licensed operating plants. It also provides an historical perspective of the growth of issues designated as USIs.

This NUREG has been prepared to provide a comprehensive description of the implementation and verification status of all the Unresolved Safety Issues at licensed operating plants and to make this information available to other interested parties, including the public.

Copies of the Report have been placed in the NRC's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. Copies of the Report may be purchased from the

Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 2013–7082. GPO deposit account holders may charge their order by calling 202/275–2060. Copies are also available from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Rockville, Maryland, this 17th day of May, 1991.

For the Nuclear Regulatory Commission.

Frank P. Gillespie,

Director, Program Management, Policy Development and Analysis Staff, Office of Nuclear Reactor Regulation.

[FR Doc. 91–13801 Filed 6–10–91; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

[Docket No. A91–5; Order No. 885]

Elsmere, Nebraska 69135 (Benj Fink, Petitioner); Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

(Issued June 5 , 1991)

In the Matter of: Before Commissioners: George W. Haley, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; W.H. "Trey" LeBlanc III; Patti Birge Tyson

Docket Number: A91–5.

Name of Affected Post Office: Elsmere, Nebraska 69135.

Name(s) of Petitioner(s): Benj Fink.

Type of Determination: Closing.

Date of Filing of Appeal Papers: May 20, 1991.

Categories of Issues Apparently Raised:

1. Effect on the community (39 U.S.C. 404(b)(2)(A)).

2. Effect on postal services (39 U.S.C. 404(b)(2)(C)).

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule (39 U.S.C. 404(b)(5)), the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the petitioner. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before June 10, 1991.

(B) The Secretary shall publish this notice and order and Procedural Schedule in the **Federal Register.**

By the Commission.

Charles L. Clapp,

Secretary.

Appendix

May 28, 1991—Filing of Petition.

June 5, 1991—Notice and Order of Filing of Appeal.

June 14, 1991—Last day of filing of petitions to intervene (see 39 CFR 3001.111(b)).

June 24, 1991—Petitioners' Participant Statement or Initial Brief (see 39 CFR 3001.115 (a) and (b)).

July 15, 1991—Postal Service Answering Brief (see 39 CFR 3001.115(c)).

July 30, 1991—Petitioners' Reply Brief should Petitioners choose to file one (see CFR 3001.115(d)).

August 6, 1991—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116)).

September 24, 1991—Expiration of 120-day decisional schedule (see 39 U.S.C. 404(b)(5)).

[FR Doc. 91–13732 Filed 6–10–91; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–29264; File No. SR–DTC–91–09]

Self-Regulatory Organization; The Depository Trust Company; Notice of Proposed Rule Change Increasing the Adjustable Net Debit Cap for Participants in DTC's Same Day Funds Settlement System

June 3, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on April 18, 1991, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

DTC's proposed rule change consists of a clarification of DTC's application of the formula for calculating the adjustable portion of the net debit cap ("adjustable net debit cap") for participants in DTC's Same-Day Fund Settlement ("SDFS") system.[2] The proposal would make it clear that when DTC calculates a participant's adjustable net debit cap, the multiplier in the adjustable net debit cap formula would be equal to 100 divided by twice the participant's effective rate of required contributions to the SDFS component of the participants fund ("SDFS Fund").[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under DTC's Rules, each SDFS participant is required to make a deposit to the SDFS Fund.[4] The SDFS Fund is primarily a ready initial source of cash or collateral available to DTC for a loan in the event of a participant failure to settle, a circumstance due typically to operational causes subsequently overcome. Additionally, securities collateralizing the defaulting participant's net debit are available if needed for securing a loan. The SDFS Fund also "self-insures" risks in the SDFS system, but only to the extent of participants' required, but not voluntary, contributions to the SDFS Fund.

The formula for determining a participant's required deposit to the SDFS Fund, which is calculated monthly, is five percent of the participant's average daily gross SDFS credits and debits during the prior month. Because of the $400 million cap on the SDFS Fund, established in September 1990,[5] the effective rate of SDFS participants' required deposits has decreased from the initial rate of five percent of their average daily gross settlement activity to 1.1 percent as of March 31, 1991.

In order to protect against settlement risk caused by a participant running up

[1] 15 U.S.C. 78s(b)(1).

[2] For a complete description of DTC's SDFS system, see Securities Exchange Act Release No. 24689 (July 9, 1987), 52 FR 26613.

[3] See *infra* note 5, and accompanying text.

[4] See DTC Rule 4, Section 1.

[5] See Securities Exchange Act Release No. 28515 (October 3, 1990), 55 FR 42960.

an extraordinarily high net debit relative to its past net debits, DTC's liquid resources, or the credit judgment of the participant's settling bank or DTC, each SDFS participant's net debit is limited throughout the processing day by a net debit cap that is the lesser of:

(1) The adjustable net debit cap, which is a multiple of the participant's required and voluntary contributions to the SDFS Fund, and

(2) A fixed net debit cap, which is the least of:

a. 75% of DTC's liquid resources, including lines of credit with potential lenders, or

b. An amount, if any, determined by the participant's settling bank, or

c. An amount, if any, determined by DTC.

A participant can increase its adjustable net debit cap by making voluntary contributions to the SDFS Fund; the Participant cannot increase the fixed net debit cap.

The adjustable net debit cap protects against abnormal intraday net debit peaks that are out of line with a participant's prior months' average daily activity level, the basis for a participant's required deposit to the SDFS Fund. These abnormal peaks are typically associated with large dollar underwritings of new issues of CF. This cap is intended, however, to accommodate normal intraday net debit fluctuations in relation to a participant's prior months' average daily settlements. Under DTC's current procedures, an SDFS participant's adjustable net debit cap is an amount equal to fifteen times the participant's required and voluntary deposits to the SDFS fund.[6] The multiplier was changed from ten to fifteen in September 1990 in anticipation of the $400 million cap becoming applicable and the rate of required contributions to the SDFS Fund declining from the formula rate of five percent to an effective rate of approximately 3⅓ percent soon after inauguration of DTC's commercial paper ("CP") program.

With the effective rate declining further since that time, the adjustable net debit cap no longer bears a reasonable relationship to the dollar amount of a participant's SDFS activity. Further, this constraint has had a disproportionate effect on smaller SDFS participants. Because their required contributions to the SDFS Fund put their adjustable net debit caps above the fixed net debit cap, the net debits of large SDFS participants (those with daily average gross debits and credits over $1.6 billion) are limited by the $260 million fixed net debit cap. The net debits of the vast majority of participants, however, are limited by their adjustable caps.

When their net debits bump up against their adjustable net debit caps during the processing day, participants have to either: (1) wire Fed funds to DTC in order to lower their net debits; or (2) raise their adjustable net debit caps by making voluntary contributions to the SDFS Fund. DTC's proposal would facilitate the flow of transactions and reduce the fear of gridlock among all SDFS participants by decreasing the chances of any participant's delivery being blocked by the receiver-participant's adjustable net debit cap until it wires Fed funds to DTC or makes a voluntary contribution to the SDFS Fund. Moreover, DTC's proposal would remove a deterrent to smaller firms' participation in the SDFS system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

DTC's CP program was developed in close consultation with the CP Task Force established by the Public Securities Association Money Market Committee. The CP Task Force, which is composed of representatives of CP broker-dealers, New York Clearing House banks, banks headquartered outside New York, and CP issuers, has continued to meet regularly with DTC to help monitor implementation of the program. The CP Task Force has strongly urged DTC to make the subject revision.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File Number SR–DTC–91–9 and should be submitted by June 26, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–13757 Filed 6–10–91; 8:45 am]

BILLING CODE 8010–01–M

[6] See Securities Exchange Act Release No. 28424 (September 11, 1990), 55 FR 38426

DEPARTMENT OF STATE

[Public Notice 1412]

Presidential Task Force on U.S. Government International Broadcasting, Announcement of Formation and Notice of Meetings

On April 29, 1991, the White House announced the formation of a Presidential Task Force on U.S. Government International Broadcasting. The authority for the Task Force is the public statement by the White House. In accordance with the provisions of the Federal Advisory Committee Act, the charter of the Task Force was deposited with the Administrator of the General Services Administration on May 23, 1991 and provided to appropriate committees of Congress on the same day.

The Task Force will make recommendations to the President on the following issues in the overall

context of U.S. foreign policy and public diplomacy:

—The most appropriate organization and structure under which all United States Government international broadcasting assets and activities eventually would be consolidated, in steps and over time, under a single United States Government broadcasting entity; when and how such consolidation should take place.

—New technologies in light of the need for United States Government broadcasting to remain effective and competitive. This should include strategies for the best use of new technologies; and

—The relationship between United States government broadcasting activities and United States private sector broadcasting enterprises in the international arena.

The Task Force will complete its work within six months of the date of deposit of the Charter and then will be disbanded.

The Task Force announces that its first meeting will take place on June 13–14, 1991, 1555 Wilson Blvd., suite 604, Arlington, Virginia. The meeting will be in two segments each day, from 9 a.m. to noon and from 2 p.m. to 5 p.m. All segments of the meetings will be open to the public.

This, the first meeting of the Task Force, will occur less than fifteen days from the publication of this notice. This occurs because the duration of the Task Force is severely constrained and it is necessary to begin work as soon as possible to assure that recommendations are made to the President by the November 23, 1991 time set in the announcement of the formation of the Task Force.

Members of the general public may attend the meeting, except for executive sessions, and participate in discussions, subject to instructions from the Chairman. Admittance will be limited to the seating available. All those planning to attend should call 703–235–9000 prior to the appropriate meeting to assure that seating will be available.

Dated: June 5, 1991.

C. Edward Dillery,

Executive Director, Task Force on U.S. Government International Broadcasting.

[FR Doc. 91–13799 Filed 6–10–91; 8:45 am]

BILLING CODE 4710–10–M

[Public Notice 1408]

Study Group 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 11 (Television Broadcasting) of the U.S. Organization for the International Radio Consultative Committee (CCIR) will hold an open meeting June 21, 1991 at the Federal Communication Commission, 1919 M Street, NW., Washington, DC in room 856 commencing at 10 a.m.

Study Group 11 deals with matters relating primarily to the study of the international exchange of programs and the technical and operating aspects of the broadcasting and broadcasting-satellite services, including video frequency and recording equipment, as well as the overall performance of the means of delivering signals to the general public, when they are used for television, data and associated ancillary services.

The purpose of the meeting is prepare for U.S. participation at the meetings of the Study Group 11 Working Parties and Task Groups during the period of November 11–27, 1991 in Geneva.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. John W. Reiser, Federal Communication Commission, Washington, DC 20554, phone (202) 254–3394.

Dated: May 28, 1991.

Warren G. Richards,

Chairman, U.S. CCIR National Committee.

[FR Doc. 91–13747 Filed 6–10–91; 8:45 am]

BILLING CODE 4710–07–M

[Public notice 1407]

Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) and Study Group 5 of the Canadian National International Radio Consultative Committee will hold an open, consolidated meeting June 27, 1991, at the University of Western Ontario, Social Sciences Building, room 2305, London, Ontario. The meeting will convene at 5:15 p.m.

Study Group 5 deals with matters relating to the propagation of radio waves and related noise phenomena in non-ionized media at and above the surface of the earth for the purpose of improving radiocommunication systems. The purpose of the meeting is to review the new structure, working methods and meeting schedule of the CCIR.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Request for further information should be directed to Dr. John F. Cavanagh, Naval Surface Warfare Center, Dahlgren, Virginia 22448–5000, phone (703) 663–8737.

Dated: May 28, 1991.

Warren G. Richards,

Chairman, U.S. CCIR National Committee.

[FR Doc. 91–13748 Filed 6–10–91; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice 1409]

United States Organization for the International Telegraph and Telephone Consultative Committee (CCITT) Study Group A Meeting

Department of State announces that Study group A (Policy and Services) of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Tuesday, June 25, 1991, in Conference Room 1105 and on Thursday August 1, 1991, in Conference Room 1105, both meetings to commence at 9:30 a.m. at the Department of State, 2201 C Street NW., Washington, DC 20520.

The agenda for the June meeting will include a debriefing and review of the results of the 46th ITU Administrative Council meeting, Geneva, of May 27–June 7, 1991; a debrief and review of the results of the CCITT Study Group I meeting held in Geneva, May 28–June 7, 1991; Preparatory activities for upcoming meetings of CCITT Study Group III, and the ad hoc group for CCITT Resolution No. 18; and the future schedule of work activities. A draft agenda for the August Study Group A meeting will be determined at the June meeting.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made five (5) days in advance of the meeting. Persons who plan to attend should so advise the Office of Earl S. Barbely, Department of

State, (202) 647–2592, FAX (202) 647–7407. The above includes government and non-government attendees. Public visitors will be asked to provide their date of birth and Social Security number at the time they register their intention to attend and must carry a valid photo ID with them to the meeting in order to be admitted. All attendees must use the C Street entrance.

Dated: May 20, 1991.

Earl S. Barbely,

Director, Telecommunications and Information Standards, Chairman U.S. CCITT National Committee.

[FR Doc. 91–13749 Filed 6–10–91; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: June 5, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Office of Thrift Supervision

OMB Number: 1550–0019.
Form Number: Schedule 14A, B, C, D–1 and D–9; Form 3, 4, 8, 8A, 8K, 10, 10K, 10Q, 12b–25, 13D, 13G and 15.
Type of Review: Reinstatement.
Title: Annual Reporting Requirements and Disclosures Required by Securities Exchange Act of 1934.
Description: Provides operational data to stockholders and investors permitting an informed decision concerning possible purchase or sale of security savings and loan associations.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 350.
Estimated Burden Hours Per Response/Recordkeeping: 500 hours.
Frequency of Response: Annually.
Estimated Total Recordkeeping/Reporting Burden: 750,975 hours.
Clearance Officer: John Turner (202) 906–6840, Office of Thrift Supervision, 1700 G Street, NW., 3rd Floor, Washington, DC 20552.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 91–13797 Filed 6–10–91; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Date: June 5, 1991

The Department of Treasury has submitted the following public information collection requirement(s) to OMB to review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.
Form Number: 8827.
Type of Review: New Collection.
Title: Credit for Prior Year Minimum Tax—Corporations.
Description: Section 53(d), as revised, allows corporations a minimum tax credit based on the amount of alternative minimum tax incurred in tax years beginning after 1989, or a carryforward for use in a future year.
Respondents: Businesses or other-profit, Small businesses or organizations
Estimated Number of Respondents: 25,000.
Estimated Burden Hours Per Response: 1 hour.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 25,000 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Officer of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 91–13798 Filed 6–10–91; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF VETERANS AFFAIRS

Prosthetics Services Advisory Committee; Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Prosthetics Services Advisory Committee will be held July 8–9, 1991, in the Omar N. Bradley Conference Room, room 1105, 801 I (Eye) Street, NW., Washington, DC.

The purpose of the Prosthetics Services Advisory Committee is to advise the Secretary of Veterans Affairs and the Chief Medical Director on major policy questions raised by VA's responsibility to provide state-of-the-art prosthetics and associated rehabilitation research, development, and evaluation of such technology.

The meeting will convene at 8:30 a.m. and adjourn at 4:30 p.m. on July 8, 1991, and will reconvene at 8:30 a.m. on July 9, 1991, and adjourn at 4 p.m. The meeting is open to the public up to the capacity of the room. For those wishing to attend, contact Warren Smith, Office of the Deputy Assistant Chief Medical Director for Rehabilitation and Prosthetics, phone (202) 535–7273, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, prior to July 2, 1991.

Dated: May 30, 1991.

By direction of the Secretary:

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 91–13835 Filed 6–10–91; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 112
Tuesday, June 11, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

Notice

June 5, 1991.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-49), U.S.C. 552B:

DATE AND TIME: June 12, 1991, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 938th Meeting—June 12, 1991, Regular Meeting (10:00 a.m.)

CAH-1.
Project No. 8221-021, Weyerhaeuser Company
CAH-2.
Project No. 8185-011, Bluestone Energy Design, Inc.
CAH-3.
Omitted
CAH-4.
Omitted
CAH-5.
Omitted
CAH-6.
Project No. 2520-006, Great Northern Nekoosa Corporation
CAH-7.
Project No. 3574-003, Continental Hydro Corporation
CAH-8.
Omitted
CAH-9.
Project No. 596-000, Utah Power and Light Company
Project No. 4029-000, Utah Municipal Power Agency, *et al.*
Project No. 4040-000, Bountiful City, Utah
CAH-10.
Project Nos. 10228-000 and 002, WV Hydro, Inc.
Project Nos. 10035-000 and 004, Hynergix, Inc.
CAH-11.
Project No. 10453-000, Hydroelectric Development, Inc.

Consent Agenda—Electric

CAE-1.
Docket No. EL91-8-000, Transmission Agency of Northern California v. Pacific Gas and Electric Company
Docket Nos. ER91-344-000 and EL91-37-000, Pacific Gas and Electric
CAE-2.
Docket No. ER91-195-001, Western Systems Power Pool
CAE-3.
Docket No. ER84-75-011 (Phase II), Southern California Edison Company
CAE-4.
Docket No. ER91-95-001, Puget Sound Power & Light Company
CAE-5.
Docket No. QF85-253-004, North Powder Energy, Inc.
CAE-6.
Docket No. FA91-49-000, Southwestern Public Service Company
CAE-7.
Docket No. ER91-26-000, PacifiCorp Electric Operations and Arizona Public Service Company
CAE-8.
Omitted
CAE-9.
Docket No. EL90-31-001, Missouri Basin Municipal Power Agency v. Midwest Energy Company and Iowa Resources, Inc.
CAE-10.
Docket No. EL90-44-000, Catalyst Crisstad Corporation
CAE-11.
Docket Nos. ER89-493-000, 001, ER89-494-000 and 001, PacifiCorp
CAE-12.
Docket Nos. ER90-269-000, ER90-270-000, ER90-271-000, ER90-272-000, ER90-273-000, ER90-594-000, EL90-32-000, EL90-37-000 and EL90-41-000, Indiana Michigan Power Company

Consent Agenda—Oil and Gas

CAG-1.
Docket No. RP91-153-000, East Tennessee Natural Gas Company
CAG-2.
Docket No. RP91-156-000, Northern Natural Gas Company
CAG-3.
Docket Nos. RP91-37-001, 000, and RP91-151-000, Carnegie Natural Gas Company
CAG-4.
Docket Nos. RP90-139-006 and 007, Southern Natural Gas Company
CAG-5.
Docket No. RP91-154-000, Florida Gas Transmission Company
CAG-6.
Docket No. TQ91-4-33-000, El Paso Natural Gas Company
CAG-7.
Docket No. RP89-245-000, Paiute Pipeline Company
CAG-8.
Docket No. GT91-16-000, K N Energy, Inc.
CAG-9.
Docket No. RP91-26-005, El Paso Natural Gas Company
CAG-10.
Docket Nos. RP85-209-033, RP86-93-013, RP86-158-015, CP86-246-007, RP87-34-015, TC88-6-013, RP88-8-015, RP88-27-028, RP88-92-025, RP88-265-010, RP88-263-018, RP88-264-023, RP84-42-011, RP89-138-012, CP88-6-010, CP88-329-011, CP88-478-006, IN86-5-017, CP88-440-006 and CP87-524-013, United Gas Pipe Line Company
CAG-11.
Docket No. RP91-92-002, Colorado Interstate Gas Company
CAG-12.
Docket Nos. RP84-94-008, RP85-66-003, RP90-9-003 and CP90-140-002, Trailblazer Pipeline Company
CAG-13.
Docket No. RP89-251-014, Alabama-Tennessee Natural Gas Company
CAG-14.
Docket No. RP88-187-018, Columbia Gas Transmission Corporation
CAG-15.
Docket Nos. RP88-190-003, TM89-2-27-004, TA88-1-27-005, RP88-57-006 and RP88-110-003, North Penn Gas Company
Docket Nos. RP85-178-065, RP88-191-013, 017, 020, RP85-178-067 and 068, Tennessee Gas Pipeline Company
Docket Nos. RP88-68-018 and RP87-7-058, Transcontinental Gas Pipe Line Corporation
Docket No. RP88-217-012, CNG Transmission Corporation
CAG-16.
Docket Nos. RP89-183-007, 027, RP91-43-003 and TM91-3-43-003, Williams Natural Gas Company
CAG-17.
Docket Nos. RP91-119-001 and 008, Texas Eastern Transmission Corporation
CAG-18.
Docket Nos. RP91-40-000, 001, 002, 003, 004 and 005, Northern Natural Gas Company, Division of Enron Corp.
CAG-19.
Docket No. TM90-3-2—001, East Tennessee Natural Gas Company
CAG-20.
Docket No. TM91-7-29-001, Transcontinental Gas Pipe Line Corporation
CAG-21.
Omitted
CAG-22.
Omitted
CAG-23.

Docket No. RM87–34–066, Natural Gas Pipelines After Partial Wellhead Decontrol
CAG–24.
Docket Nos. IS91–26–00, IS91–27–000 and IS90–34–000, ARCO Pipe Line Company
CAG–25.
Docket Nos. RP84–42–000, RP72–133–000, 003, TA80–1–11–000, 001, TA80–2–11–000, 001, TA81–1–11–000, 001, TA81–2–11–000, 004, TA82–1–11–000, 004, TA82–2–11–000, 007, TA83–1–11–000, 003, TA83–2–11–000, 003, TA84–1–11–000, 002 and TA84–2–11–000 (Phase I) United Gas Pipe Line Company
CAG–26.
Docket No. PR91–4–000, Hill Transportation Company, Inc.
CAG–27.
Omitted
CAG–28.
Docket No. CI87–476–007, TXG Gas Marketing Company
CAG–29.
Docket No. CP90–2230–002, Transcontinental Gas Pipe Line Corporation
CAG–30.
Docket No. CP90–454–001, Midwest Gas Storage, Inc.
CAG–31.
Docket No. CP89–2076–001, National Fuel Gas Supply Corporation
CAG–32.
Docket Nos. CP89–637–000, 001, 002, 004, 005, 006, ANR Pipeline Company
Docket No. CP88–178–002, Trunkline Gas Company
Docket Nos. CP90–1726–000 and 001, Great Lakes Gas Transmission Company
Docket Nos. CP89–638–000, 001, 002 and 003, CNG Transmission Corporation
Docket Nos. CP90–887–000, 001, 002 and 003, Transcontinental Gas Pipe Line Corporation
Docket Nos. CP90–688–000, 001 and 002, Texas Gas Transmission Corporation
CAG–33.
Docket Nos. CP90–1363–000 and 001, Natural Gas Pipeline Company of America
CAG–34.
Docket No. CP90–1281–001, El Paso Natural Gas Company
CAG–35.
Omitted
CAG–36.
Docket No. CP90–1317–001, Tennessee Gas Pipeline Company
CAG–37.
Omitted
CAG–38.
Docket No. CP87–75–006, Tennessee Gas Pipeline Company
CAG–39.
Docket No. CP88–557–001, Koch Hydrocarbon Company
CAG–40.
Docket No. CP90–140–003, Trailblazer Pipeline Company
CAG–41.
Docket Nos. CP89–1239–001 and CP90–48–001, Tennessee Gas Pipeline Company
CAG–42.
Docket Nos. CP91–1763–000, CP91–1764–000, CP91–1766–000, CP91–1767–000, CP91–1830–000, CP91–1831–000, CP91–1834–000, CP91–1835–000 and CP91–1837–000, National Fuel Gas Supply Corporation
CAG–43.
Docket No. CP91–2026–000, Arkla Energy Resources, a division of Arkla, Inc.
CAG–44.
Docket No. CP91–2033–000, National Fuel Gas Supply Corporation
CAG–45.
Docket No. CP91–2062–000, Williston Basin Interstate Pipeline Company
CAG–46.
Docket No. CP91–348–000, Transcontinental Gas Pipe Line Corporation
CAG–47.
Docket No. CP90–1297–000, Williams Natural Gas Company
CAG–48.
Docket No. CP91–1164–000, Northwest Pipeline Corporation
CAG–49.
Docket No. CP82–487–014 and 034, Williston Basin Interstate Pipeline Company
CAG–50.
Docket Nos. CP90–678–000 and 001, Columbia Gas Transmission Corporation
CAG–51.
Docket Nos. CP90–2286–000 and 001, ONEOK, Inc., OkTex Pipeline Company and ONEOK Services, Inc.
Docket No. CP90–2287–000, Lone Star Gas Company, ONEOK, Inc. and Arkla Energy Resources, a division of Arkla, Inc.
CAG–52.
Docket No. CP91–1129–000, Northwest Pipeline Corporation
CAG–53.
Docket Nos. CP91–650–000, CP91–659–000, CP87–115–000, CP91–559–000, CP91–560–000, CP91–983–000, CP90–1526–000 and CP91–1082–000, Tennessee Gas Pipeline Company
CAG–54.
Docket No. CP91–716–000, Tennessee Gas Pipeline Company
CAG–55.
Docket No. CP91–1070–000, Southern Natural Gas Company
CAG–56.
Omitted
CAG–57.
Docket No. CP91–967–000, Northern Border Pipeline Company
CAG–58.
Docket No. CP91–1294–000, Natural Gas Pipeline Company of America
CAG–59.
Docket Nos. CP89–1571–000 and 001, Niagara Mohawk Power Corporation
CAG–60.
Docket No. CP91–760–000, Northwest Pipeline Corporation
CAG–61.
Docket No. CP91–1516–000, Wintershall Pipeline Corporation and Hogan Pipeline Corporation
CAG–62.
Docket Nos. RP91–170–000, RP87–71–005 and RP88–182–005, Gas Research Institute
CAG–63.
Docket No. CP91–1252–001, Questar Pipeline Company
CAG–64.
Docket Nos. CP88–760–003 and 006, Transcontinental Gas Pipe Line Corporation

Hydro Agenda

H–1.
Project No. 1417–032, Central Nebraska Public Power and Irrigation District. Order on application to amend license.

Electric Agenda

E–1.
Docket No. QF86–39–003, Turners Falls Limited Partnership. Order on request for clarification.

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1(A).
Omitted
PR–1(B).
Omitted
PR–2(A).
Docket No. RP87–15–019, Trunkline Gas Company. Order on initial decision.
PR–2(B).
Docket No. RP87–15–001, Trunkline Gas Company. Order on rehearing.
PR–2(C).
Docket No. RP87–15–027 (Phase I), Trunkline Gas Company. Order on remand.
PR–2(D).
Docket Nos. RP87–15–026 and 028, Trunkline Gas Company. Order on rehearing.
PR–3.
Docket Nos. RP87–7–071, CP88–391–004, RP88–167–002, CP89–728–000, 001, CP 89–790–000, 001, RP73–3–001, RP82–55–047, 048, RP85–148–010, CP72–255–002, CP89–759–008, CP90–2228–000, 001, CP90–2229–000, 001, CP90–2230–001, RP87–7–012, CP88–273–000, CP88–328–002, CP89–1916–002, RP90–8–000, RP90–51–000, CP90–499–000, CP84–146–007, CP84–336–005, G12530–000 and G–12059–000, Transcontinental Gas Pipe Line Corporation. Order on settlements and certificate applications
PF–1.
Reserved

III. Pipeline Certificate Matters

PC–1.
Reserved

Lois D. Cashell,

Secretary.

[FR Doc. 91–13890 Filed 6–6–91; 4:33 pm]

BILLING CODE 6717–01–M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:30 a.m. Tuesday, June 18, 1991.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, DC 20006.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The Board will consider the following:

1. 1992 Budget Cycle Briefing
2. District Bank and Housing Finance Directorate Reports
3. District Bank Directors Issues
4. Membership Correspondent Services Study Update
5. Examinations Issues
6. Briefing on Office of Inspector General
7. Chair/Vice Chair June Meeting Update

The above matters are exempt under one or more of sections 552(c)(2), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c)(2), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 91–14027 Filed 6–7–91; 4:05 pm]

BILLING CODE 6725–01–M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m. Wednesday, June 19, 1991.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, DC 20006.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The Board will consider the following:

1. Legislative/Strategic Plan Discussion
2. Financial Management Policy

The above matters are exempt under one or more of sections 552 (c)(2), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c)(2), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 91–10428 Filed 6–11–91; 4:05 pm]

BILLING CODE 6725–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to "Federal Register" on June 5, 1991.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, June 12, 1991.

CHANGES IN THE MEETING: Deletion of the following open item(s) from the agenda:

Proposed 1992 Federal Reserve Bank budget objective.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: June 6, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91–13910 Filed 6–7–91; 9:01 am]

BILLING CODE 6210–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, June 17, 1991.

PLACE: Marriner S. Eccles Federal Reserve Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: .

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System Employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of blank and bank holding company applications scheduled for the meeting.

Dated: June 7, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–14018 Filed 6–7–91; 4:04 pm]

BILLING CODE 6210–01–M

COMMITTEE ON EMPLOYEE BENEFITS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 2:00 p.m., Monday, June 17, 1991.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to: (a) The general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal, actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans.

Specific items include: Salary administration for the Office of Employee Benefits.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: June 7, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91–14019 Filed 6–7–91; 4:04 pm]

BILLING CODE 6210–01–M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10:00 a.m., Tuesday, June 18, 1991.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

Finance Docket No. 30000 (Sub-No. 16), *St. Louis Southwestern Railway Company—Trackage Rights Over Missouri Pacific Railroad Company—Kansas City to St. Louis.*

Ex Parte No. 470 (Sub-No. 1), *In the Matter of William Sheridan.*

Ex Parte No. MC–178 (Sub-No. 5), *Petition for Investigatory Rulemaking: Insurance Surcharges.*

No. 40473, *Armored Car Delivery and Pickup of Interstate Shipments in Delaware—Petition for Declaratory Order.*

Ex Parte No. MC–96 (Sub-No. 7), *Property Broker Practices.*

CONTACT PERSON FOR MORE INFORMATION:

A. Dennis Watson, Office of External Affairs, Telephone: (202) 275–7252, TDD: (202) 275–1721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–13951 Filed 6–7–91; 2:06 pm]

BILLING CODE 7035–01–M

NATIONAL LABOR RELATIONS BOARD

Notice of Meeting

TIME AND DATE: 9:30 a.m., Tuesday, June 4, 1991.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices), (c)(6) (personal information where disclosure would constitute a clearly

unwarranted invasion of personal privacy).

MATTERS CONSIDERED: Discussion of personnel matter.

CONTACT PERSON FOR MORE INFORMATION:

John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, DC 20570; telephone: (202) 254–9430.

Dated, Washington, DC, June 7, 1991.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 91–13994 Filed 6–7–91; 2:53 pm]

BILLING CODE 7445–01–M

NATIONAL SCIENCE FOUNDATION

DATE AND TIME:

June 20, 1991
8:30 a.m. Open Session
June 21, 1991
8:00 a.m. Closed Session

PLACE: National Science Foundation, 1800 G Street, NW, Room 540, Washington, DC 20550.

STATUS:

Part of this meeting will be open to the public.
Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Thursday, June 20, 1991

Open Session (8:30 a.m.–5:15 p.m.)

(Includes lunch break from approximately 12:15 to 1:30 p.m.)

1. Overview of the Planning Process & Desired Outcome.
2. Infrastructure: the Health of Academia.
3. Education and Human Resources Development.
4. FCCSET Process & the Budget.
5. Special Focus on BBS Disciplines.
6. Competitiveness.

Friday, June 21, 1991

Closed Session (8:00 a.m.–12:00 p.m.)

7. FY 1993 Budget Considerations.

Thomas Ubois,

Executive Officer.

[FR Doc. 91–14001 Filed 6–7–91; 3:12 pm]

BILLING CODE 7555–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 10, 1991.

A closed meeting will be held on Tuesday, June 11, 1991, at 2:30 p.m. An open meeting will be held on Thursday, June 13, 1991, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 11, 1991, at 2:30 p.m., will be:

Institution of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Dismissal of injunctive action.

The subject matter of the open meeting scheduled for Thursday, June 13, 1991, at 10:00 a.m., will be:

1. Consideration of whether to release for public comment proposed amendments to Forms S–4 and F–4, and Regulation S–K under the Securities Act of 1933 and related rules that provide additional disclosure requirements for limited partnership roll-up transactions. These changes are intended to enhance the quality and readability of information provided to investors in connection with limited partnership roll-up transactions and would set a minimum solicitation period for roll-up transactions. Also, consideration of whether to issue a release setting forth interpretive views of existing disclosure requirements applicable to limited partnership roll-up transactions and initial public offerings of limited partnership units. For further information, please contact Meredith B. Cross or Michael L. Hermsen at (202) 272–2573.

2. Consideration of whether to release for public comment proposed amendments to the Commission's proxy rules under Section 14(a) of the Securities Exchange Act of 1934 that would facilitate securityholder communications, and reduce the costs of compliance with the proxy rules for all persons engaged in a proxy solicitation, by: (1) Exempting from all proxy rules but the antifraud provisions any solicitation by "disinterested persons", or persons who have no material economic interest in the solicitation and who do not seek authority to act as a proxy for securityholders; (2) limiting the types of proxy soliciting material required to be filed in preliminary form to the proxy statement and form of proxy; (3) eliminating the non-public treatment of preliminary proxy materials; and (4) require the registrant to deliver a list of record and beneficial holders to a requesting securityholder. For further information, please contact Cathy Dixon at (202) 272–3097.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Stephen Luparello at (202) 272–2100.

Dated: June 7, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–13945 Filed 6–7–91; 12:39 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 56, No. 112
Tuesday, June 11, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

Grain and Similarly Handled Commodities

Correction

In rule document 91-10314 beginning on page 20101 in the issue of Thursday, May 2, 1991, make the following corrections:

§ 1421.9 [Corrected]

1. On page 20109, in the second column, in the fifth line from the bottom of the page, "§ 1429.9" should read "§ 1421.9".

2. On page 20111, in the first column, in § 1421.9(g), in the sixth line, "§ 142.18" should read "§ 1421.18".

§ 1421.18 [Corrected]

3. On page 20116, in the second column, in § 1421.18(b)(15)(ii)(C), in the second line, "30" should read "20".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Inrernational Trade Administration

Export Trade Certificate of Review

Correction

In notice document 91-11960 beginning on page 23284 in the issue of Tuesday, May 21, 1991, make the following corrections:

1. On page 23284, in the second column, under *Export Markets*, in the second line "United" was misspelled.

2. On page 23285, in the 2d column, in the 15th line from the end, "licensees" was misspelled.

3. On the same page,in the 3rd column, in the 12th line from the end, "Revco"should read "Revcor".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP89-224-000, RP89-203-000, RP90-139-000, and RP91-69-000]

Southern Natural Gas Co.; Informal Settlement Conference

Correction

In notice document 91-12698 beginning on page 24389 in the issue of Thursday, May 30, 1991, in the third column, the docket numbers should have appeared as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF STATE

Bureau of Economic and Business Affairs

[Public Notice 1404]

22 CFR Part 89

Foreign Prohibitions on Longshore Work by U.S. Nationals

Correction

In rule document 91-12895 beginning on page 24338 in the issue of Thursday, May 30, 1991, make the following correction:

PART 89—[CORRECTED]

On page 24341, in the third column, the heading "PART 138—PROHIBITIONS ***" should read "PART 89—PROHIBITIONS ***".

BILLING CODE 1505-01-D

federal register

Tuesday
June 11, 1991

Part II

Department of Education

34 CFR Part 325

State Systems for Transition Services for Youth With Disabilities; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 325

RIN 1820-AA90

State Systems for Transition Services for Youth With Disabilities

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to establish regulations for a new program authority enacted in the Education of the Handicapped Act Amendments of 1990. The proposed regulations would enable the Secretary to make one-time, 5-year grants, on a competitive basis, to State vocational rehabilitation agencies and State educational agencies that submit joint applications to develop, implement, and improve transition services for youth with disabilities from age 14 through the age they exit school. The regulations make provisions for a State educational agency, whose vocational rehabilitation agency does not choose to participate, to jointly apply with one other State agency that provides transition services; describe how grant funds must be used; describe which applications will be given preference; and provide selection criteria for making grant awards.

DATES: Comments must be received on or before July 11, 1991.

ADDRESSES: All comments concerning these proposed regulations should be addressed to William Halloran, Secondary and Transition Branch, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW., Switzer Building, room 4625, Washington, DC 20202-2734.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: William Halloran, telephone: (202) 732-1112 or V/TDD (202) 732-1177.

SUPPLEMENTARY INFORMATION: These proposed regulations implement the new program authority in section 626(e) of part C of the Individuals with Disabilities Education Act (IDEA), as amended by Public Law 101-476, and provide selection criteria for making grant awards. Except for the selection criteria, the proposed regulations set forth the statutory requirements for this program.

The Statute requires States that receive grants to:

- Increase the availability, access, and quality of transition assistance through the development and improvement of policies, procedures, systems, and other mechanisms for youth with disabilities and their families as those youth prepare for and enter adult life
- Improve the ability of professionals, parents, and advocates to work with those youth in ways that promote the understanding of and the capability to successfully make the transition from 'student' to 'adult'.
- Improve working relationships among education personnel, and both within LEAs and in postsecondary training programs, relevant State agencies, the private sector (especially employers), rehabilitation personnel, local and State employment agencies, local Private Industry Councils (PICS) authorized by the Job Training Partnership Act (JTPA), and families of students with disabilities and their advocates to identify and achieve consensus on the general nature and specific application of transition services to meet the needs of youth with disabilities.
- Create an incentive for accessing and using the expertise and resources of programs, projects, and activities related to transition funded through this section and with other sources.

Section 602(a)(19) of IDEA defines "transition services" as a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. Because these proposed regulations would affect only States and State agencies, the regulations would not have an impact on small entities. States and State agencies are not defined as "small entities" in the Regulatory Flexibility Act.

Paperwork Reduction Act of 1980

Sections 325.10, 325.21, and 325.30 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review.

(44 U.S.C. 3504(h))

Information described at §§ 325.10, 325.21, and 325.30 is required to be provided by applicants seeking support to conduct activities authorized under section 626(e) of the Individuals with Disabilities Act. This information will be used to determine grant eligibility, acceptability of proposals, and awards. Respondents eligible to submit applications are public or nonprofit private agencies, institutions, or organizations. Respondent data burden is estimated to be the same as that required under other OSEP program regulations, and will be included in the data burden estimated for all OSEP programs using the OMB Form 1820-0028 (approved through June 30, 1992).

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 4625, Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

List of Subjects in 34 CFR Part 325

Grants program, State, State education agencies, Transition services, Vocational rehabilitation, Youth with disabilities.

(Catalog of Federal Domestic Assistance Number 84.158, Secondary Education and Transition Services for Youth with Disabilities.)

Dated: April 9, 1991.

Lamar Alexander,

Secretary of Education.

The Secretary propose to amend title 34 of the Code of Federal Regulations by adding a new part 325 to read as follows:

PART 325—STATE SYSTEMS FOR TRANSITION SERVICES FOR YOUTH WITH DISABILITIES PROGRAM

Subpart A—General

Sec.

Subpart B—How Does a State Apply for a Grant?

Subpart C—How Does the Secretary Make a Grant?

Subpart D—What Conditions Must Be Met After a Grant?

Authority: 20 U.S.C. 1425(e), unless otherwise noted.

Subpart A—General

§ 325.1 What is the State Systems for Transition Services for Youth with Disabilities Program?

This program provides assistance to States to develop, implement, and improve systems to provide transition services for youth with disabilities from age 14 through the age they exit school.

(Authority: 20 U.S.C. 1425(e)(1))

§ 325.2 Who is eligible for a grant?

Under this program the Secretary may make a one-time, five-year grant—

(a) To a State vocational rehabilitation agency and State educational agency that submit a joint application; or

(b) If a vocational rehabilitation agency does not choose to participate, to a State agency that provides transition services to individuals who are leaving programs under the Act that submit a joint application.

(Authority: 20 U.S.C. 1425(e)(2))

§ 325.3 How must States use funds under this program?

Agencies that receive grants under this program shall use grant funds to—

(a) Increase the availability, access, and quality of transition assistance through the development and improvement of policies, procedures, systems, and other mechanisms for youth with disabilities and their families as those youth prepare for and enter adult life;

(b) Improve the ability of professionals, parents, and advocates to work with those youth in ways that promote the understanding of and the capability to successfully make the transition from student to adult;

(c) Improve working relationships among education personnel, both within LEAs and in postsecondary training programs, relevant State agencies, the private sector (especially employers), rehabilitation personnel, local and State employment agencies, local Private Industry Councils authorized by the Job Training Partnership Act, and families of Students with disabilities and their advocates to identify and achieve consensus on the general nature and specific application of transition services to meet the needs of those youth; and

(d) Create an incentive for accessing and using the expertise and resources of programs, projects and activities related to transition funded under this program and with other sources.

(e) Create incentives for the implementation of lasting State-wide system changes in the transition of students with disabilities to postsecondary training, education, and employment.

(Authority: 20 U.S.C. 1425(e)(3))

§ 325.4 What regulations apply?

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR—

(1) Part 75 (Direct Grant Programs);

(2) Part 77 (Definitions that Apply to Department Regulations);

(3) Part 79 (Intergovernmental Review of Department of Education Programs and Activities);

(4) Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments);

(5) Part 81 (General Education Provisions Act—Enforcement);

(6) Part 82 (New Restrictions on Lobbying);

(7) Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)); and

(8) Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 325.

(Authority: 20 U.S.C. 1425(e))

§ 325.5 What definitions apply?

(a) *Definition in the Act.* The following term used in this part is defined in section 602(a)(19) of the Individuals with Disabilities Education Act:

Transition services

(b) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Application
EDGAR
Grant
Local educational agency (LEA)
Project
Secretary
State
State educational agency (SEA)

(c) *Other definitions.* The following definitions also apply to this part:

Act means the Individuals with Disabilities Education Act.

Youth with disabilities means individuals with disabilities from age 14 through the age they exit school.

(Authority: 20 U.S.C. 1425(e))

Subpart B—How Does a State Apply for a Grant?

§ 325.10 What must an application include?

An application under this program must include the following:

(a) A description of how the State educational agency and State vocational rehabilitation agency or other State agency will use—

(1) The first year, if necessary, to plan how to implement transition services;

(2) The second through fourth years to develop and implement transition services; and

(3) The fifth year to evaluate transition services.

(b) A description of how the grant funds will be used during the planning period and phased out during the evaluation period to ensure the continuation of transition services.

(c) A description of the current availability, access, and quality of transition services for eligible youth and a description of how, over five years, the State will improve and expand the availability, access, and quality of transition services for youth with disabilities and their families as those youth prepare for and enter adult life.

(d) A description of how the State will improve and increase the ability of professionals, parents, advocates, and youth to promote the understanding of and the capability to successfully make the transition from student to adult.

(e) A description of how the State will improve and increase working relationships among education personnel, both within LEAs and in postsecondary training programs, relevant State agencies, the private sector (especially employers), rehabilitation personnel, local and State employment agencies, local Private Industry Councils authorized by the Job Training Partnership Act, students with disabilities, their families, and their advocates to identify and achieve consensus on the general nature and specific application of transition services to meet the needs of youth with disabilities.

(f) A description of how the State will use grant funds as an incentive for accessing and using the expertise and resources of programs, projects, and activities related to transition funded through this program and with other sources.

(g) A description of how the State will address, in whole or in a part, the needs of youth with disabilities from minority backgrounds.

(Authority: 20 U.S.C. 1410(b), 1424(e)(4)(A))

Subpart C—How Does the Secretary Make a Grant?

§ 325.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application submitted under this program on the basis of the criteria in § 325.21.

(b) The Secretary awards up to 100 points under these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 20 U.S.C. 1425(e))

§ 325.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate the quality of an application submitted under this part.

(a) *Extent of need, and expected impact* (20 points). The Secretary reviews each application to determine the justification for the proposed activities in the State based on the State need for and expected impact from the activities to develop, implement, and improve systems to provide transition services for youth with disabilities from age 14 through the age they exit school. The Secretary looks for information that provides—

(1) A description of the current availability, access, and quality of transition services for eligible youth and a description of how, over five years, the State will improve and expand the availability, access, and quality of transition services for youth with disabilities and their families as those youth prepare for and enter adult life;

(2) A description of how the State will improve and increase the ability of professionals, parents, advocates, and youth to promote the understanding of and the capability to successfully make the transition from student to adult;

(3) A description of how the State will improve and increase working relationships among education personnel, both within LEAs and in postsecondary training programs, relevant State agencies, the private sector (especially employers), rehabilitation personnel, local and State employment agencies, local Private Industry Councils authorized by the Job Training Partnership Act, students with disabilities, their families, and their advocates to identify and achieve consensus on the general nature and specific application of transition services to meet the needs of youth with disabilities;

(4) A description of how the State will use grant funds as an incentive for accessing and using the expertise and resources of programs, projects, and activities related to transition funded under this program and with other sources; and

(5) A description of how the State will address the unique needs of youth with diabilities from minority backgrounds.

(b) *Technical soundness* (25 points). The Secretary reviews each application to determine the technical soundness of the State plan and whether the applicant has the capacity to achieve lasting State-wide change, including a description of how the State will—

(1) Target resources to school settings, such as providing access to rehabilitation counselors for students with disabilities who are in school settings;

(2) Target a substantial amount of grant funds, received under this program, to program evaluation and documentation of, and dissemination of information about, transition services as well as to improve the capacity for case management;

(3) Provide incentives for interagency and private sector resource pooling and otherwise investing in transition services, especially in the form of cooperative agreements, particularly with Private Industry Councils authorized by the Job Training Partnership Act and local branches of State employment agencies;

(4) Provide for early, ongoing information and training for those involved with or who could be involved with transition services—professionals, parents, youth with disabilities, including self-advocacy training for those youth, and advocates for those youth as well as Private Industry Councils authorized by the Job Training Partnership Act and local branches of State employment agencies;

(5) Provide for the early and direct involvement of all relevant parties, including Private Industry Councils authorized by the Job Training Partnership Act and local branches of State employment agencies, in operating and planning improvements in transition services, and the early and direct involvement of all relevant parties in planning and implementing transition services for individual youth;

(6) Provide access to training for eligible youth that matches labor market needs in their communities;

(7) Integrate transition services with relevant opportunities in communities, including those sponsored by Private Industry Councils authorized by the Job Training Partnership Act and local employment agencies;

(8) Clearly define the services and service delivery system that will result from the project. The State must have

analyzed in detail how these will differ from current services and current delivery system;

(9) Identify all relevant barriers to implementing the proposed State-wide changes and identify and propose appropriate strategies for eliminating those barriers;

(10) Use an evaluation plan for transition services that is outcome oriented that focuses on individual youth-focused benefits, and that is based on standard sources of information such as the individualized education plans required by the IDEA;

(11) Disseminate annually information about project activities and procedures and information from project evaluation activities, including information regarding effective strategies and obstacles to achieving project goals, to the organizations described at § 325.30 of this part, and to other interested organizations within the States; and

(12) Ensure that, if appropriate and no later than age 22, eligible youth who participate in transition services under this program would be served as appropriate in the State section 110 program, or the title VI, part C program, or the title VII, part A program authorized under the Rehabilitation Act of 1973, as amended.

(c) *Plan of operation* (20 points). The Secretary reviews each application for information that shows the quality of the plan of operation for the project, including—

(1) An effective plan of management delineating the roles of both participating agencies and ensures proper and efficient administration of the project;

(2) A clear description of how the objectives of the project relate to the purpose of the program;

(3) The way the joint applicants plan to use their resources and personnel to achieve each objective;

(4) A description of how all State and other agencies whose cooperation and participation are necessary for State-wide implementation are actively collaborating in project management;

(5) A description of how the joint applicants will provide for the direct participation of youth with disabilities and parents in the planning, development, and implementation of the project;

(6) A description of how the first year will be used to plan, if necessary, how to implement transition services, the second through fourth years to develop and implement transition services and the fifth year to evaluate State-wide services;

(7) Whether the budget is adequate to support the project and costs are reasonable in relation to the objectives of the project; and

(8) The extent to which grant funds will be used during the planning period and phased out during the evaluation period to ensure the continuation of transition services.

(d) *Quality of key personnel* (25 points, distributed as indicated).

(1) The Secretary reviews each application for information that shows the qualifications of key personnel the applicant plans to use on the project, including information that shows—

(i) The qualifications of the project director (8 points); and

(ii) The qualifications of each of the other key personnel to be used in the project, including experience and training in fields related to the objectives of the project (7 points).

(2) In determining the qualifications of each person referred to in paragraphs (d)(1) (i) and (ii) of this section the Secretary also considers—

(i) The time that each person will commit to the project;

(ii) Experience and training in conducting, documenting, and applying the types of activities to be conducted; and

(iii) Knowledge of the results and findings of relevant projects and potential for application of this information in addressing the need for transitional services to youth with disabilities.

(3) Recruitment of underrepresented populations (10 points). The Secretary reviews each application for information that shows effective efforts are being made to recruit members of underrepresented populations as project staff, including—

(i) Strategies to recruit employees who are members of underrepresented populations, including members of racial or ethnic minority groups and individuals with disabilities; and

(ii) Procedures to provide training and other necessary support to retain and advance qualified personnel from underrepresented populations.

(e) *Evaluation* (10 points). The Secretary reviews each application to determine the quality of the plan for evaluating the project, including—

(1) The adequacy of the applicant's plan to determine the effectiveness of the project in achieving measurable changes in State policy, programs, and services that improve systems providing transition services for youth with disabilities;

(2) The adequacy of the applicant's plan to determine the effectiveness and timeliness in completion of the managerial procedures and objectives of the project's plan of operation; and

(3) The procedures for recording, reviewing, analyzing, and interpreting for relevant audiences, data generated through conducting project activities.

(Authority: 20 U.S.C. 1425(e))

Subpart D—What Conditions Must Be Met After a Grant?

§ 325.30 What other conditions must be met by a grantee under this program?

(a) The Secretary, if appropriate, requires grantees to prepare reports describing their procedures, findings, and other relevant information in a form that will maximize the dissemination and use of those procedures, findings, and information.

(b) The Secretary requires delivery of those reports, as appropriate, to—

(1) The regional and Federal resource centers, the clearinghouses, and the technical assistance to parents programs assisted under parts C and D of the Act;

(2) The National Diffusion Network;

(3) The ERIC Clearinghouse on the Handicapped and Gifted;

(4) The Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health;

(5) Appropriate parent and professional organizations;

(6) Organizations representing individuals with disabilities; and

(7) Those other networks as the Secretary may determine to be appropriate.

(c) Each grantee shall participate in the evaluation conducted by the institution of higher education or nonprofit public or private organization supported to implement Section 626(f)(3)(A) of the Act.

(Authority: 20 U.S.C. 1410(g), 1425(f)(3))

[FR Doc. 91-13754 Filed 6-10-91; 8:45 am]
BILLING CODE 4000-01-M

federal register

Tuesday
June 11, 1991

Part III

Department of Education

Developmental Bilingual Education and Special Alternative Instructional Programs; Notices

DEPARTMENT OF EDUCATION

Developmental Bilingual Education and Special Alternative Instructional Programs

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year 1991.

SUMMARY: The Secretary of Education announces an absolute priority for a special competition in fiscal year (FY) 1991 under the Developmental Bilingual Education and Special Alternative Instructional programs administered by the Office of Bilingual Education and Minority Languages Affairs (OBEMLA).

EFFECTIVE DATES: This priority takes effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: James H. Lockhart, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Switzer Building, Washington, DC 20202–6641. Telephone: (202) 732–5710. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Awards under the Developmental Bilingual Education (DBE) and the Special Alternative Instructional (SAI) programs are made to local educational agencies (LEAs) to provide instructional services to limited English proficient (LEP) children. The DBE program provides structured English language instruction and instruction in a second language. It is designed to help LEP children achieve competence in English and also to help children whose native language is English achieve competence in a second language. The SAI program provides structured English language instruction and special instructional services to enable LEP children to achieve competence in English and to meet grade-promotion and graduation standards. The SAI program does not require instruction in the native language of the LEP children. Authority for these programs is found in section 7021 of the Bilingual Education Act (20 U.S.C. 3291).

The Secretary announces a special competition for demonstration middle school projects under the DBE and SAI programs in order to identify effective developmental bilingual approaches or special alternative instructional approaches that foster academic achievement and dropout prevention.

On February 28, 1991, the Secretary published a notice of proposed priority for this competition in the Federal Register (56 FR 8626).

Since publication of the notice of proposed priority, a change in eligible instructional approaches has been made on the basis of public comments received by the Department. The curricular areas that these approaches may emphasize have been expanded to include mathematics and science.

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the Federal Register.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, two parties submitted comments. An analysis of the comments and of the changes in the priority since publication of the notice of proposed priority follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Comments: Both commenters expressed concern that the proposed emphasis of the instructional approach on the arts and humanities did not include other content areas of the core curriculum, and specifically recommended the inclusion of mathematics and science. One commenter also suggested the extension of the priority to the Transitional Bilingual Education program and to other schools besides magnet schools.

Discussion: The Secretary does not wish the priority in this notice to appear to exclude from eligibility any school that emphasizes the core curriculum areas of mathematics, science, English, history, and geography, and has reworded the priority accordingly. The Secretary agrees that the core curriculum areas are of critical importance in helping schools attain the National Education Goals, including the goal of making American students first in the world in mathematics and science. It would not, however, be appropriate to apply this priority to the Transitional Bilingual Education program, because the program does not fall under the purview of this notice or competition. Finally, the Secretary believes it is important to retain the emphasis on magnet schools in this priority, because of the comprehensive nature of magnet schools, the fact that they usually have an emphasis on certain curriculum areas, and the fact that they are capable of attracting a number of students from diverse backgrounds.

Changes: The Secretary has reworded the priority to clarify that schools emphasizing the core curriculum areas of mathematics, science, English, history, and geography will qualify for this priority, so long as they meet the other requirements of the priority.

Priority

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

A proposed project must—

(1) Be restricted to one or more grade levels from grades six through nine in a district-wide magnet school;

(2) Involve an instructional approach that emphasizes one or more of the following curriculum areas: Mathematics, science, English, history, geography, and other areas of the arts and humanities; and

(3) Incorporate an evaluation plan designed to measure the project's effectiveness in increasing academic achievement and student retention.

The evaluation plan must meet the evaluation requirements that apply to all projects funded under the Basic Programs, as specified in the program regulations in 34 CFR 500.50 through 500.52.

The Secretary is particularly interested in applications that address one or more of the following additional elements: site-based management, community involvement, and collaboration with local institutions of higher education. However, under 34 CFR 75.105(c)(1) an application that addresses one or more of these additional elements does not receive additional consideration or additional points in the competiton. An application that does not address one or more of these additional elements will not be at any competitive disadvantage.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations

34 CFR parts 500 and 501.

Program Authority: 20 U.S.C. 3291.

(Catalog of Federal Domestic Assistance Numbers: 84.003C Developmental Bilingual Education Program; and 84.003E Special Alternative Instructional Program)

Dated: May 24, 1991.

Lamar Alexander,

Secretary of Education.

[FR Doc. 91-13752 Filed 6-10-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.003C; 84.003E]

Developmental Bilingual Education Program and Special Alternative Instructional Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991

Purpose of Program: Provides grants to establish, operate, or improve programs of instruction for limited English proficient (LEP) children.

Eligible Applicants: The following are eligible for new awards under these programs: Local educational agencies (LEAs) and institutions of higher education (IHEs), including junior or community colleges, that apply jointly with one or more LEAs.

Deadline for Transmittal of Applications: July 26, 1991.

Deadline for Intergovernmental Review: September 24, 1991.

Applications Available: June 11, 1991.

Available Funds: $760,000.

Estimated Range of Awards: $100,000–$300,000.

Estimated Average Size of Awards: $190,000.

Estimated Number of Awards: 4.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for these programs in 34 CFR parts 500 and 501.

The priority in the notice of final priority for this competition, as published elsewhere in this issue of the **Federal Register**, also applies.

Selection Criteria: In evaluating applications for grants under these programs, the Secretary uses the selection criteria in 34 CFR 501.31.

In addition to the maxium of 100 points awarded under 34 CFR 501.31, the program regulations in 34 CFR 501.32(b) provide that the Secretary distributes 15 additional points among the factors listed in 34 CFR 501.32(a). For this competition the Secretary distributes the 15 additional points as follows:

(1) The need to assist LEP children who have been historically underserved by programs for limited English proficient persons (34 CFR 501.32(a)(1))—4 points.

(2) The relative need of the particular LEA(s) for the proposed program (34 CFR 501.32(a)(2))—4 points.

(3) The need to provide assistance in proportion to the distribution of LEP children throughout the Nation and within each of the States (34 CFR 501.32(a)(3))—3 points.

(4) The number and proportion of children from low-income families to be benefited by the program (34 CFR 501.32(a)(4))—4 points.

In addition to the 15 points distributed among the factors listed in 34 CFR 501.32(a), the regulations under the Special Alternative Instructional program in 34 CFR 501.33(b) provide that the Secretary may distribute 5 additional points among the factors listed in 34 CFR 501.33(a). For this competition the Secretary distributes the 5 additional points under the Special Alternative Instructional program as follows:

(1) The administrative impracticability of establishing a bilingual education program due to the presence of a small number of students of a particular native language (34 CFR 501.33(a)(1))—2 points.

(2) The unavailability of personnel qualified to provide bilingual instructional services (34 CFR 501.33(a)(2))—2 points.

(3) The presence of a small number of LEP students in the LEA's schools and the LEA's inability to obtain native language teachers because of isolation or regional location (34 CFR 501.33(a)(3))—1 point.

For Applications or Information Contact: James H. Lockhart, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Switzer Building, Washington, DC 20202–6641. Telephone: (202) 732–5700. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 3291.

Dated: May 24, 1991.

Rita Esquivel,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 91-13753 Filed 6-10-91; 8:45 am]

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federal register

Tuesday
June 11, 1991

Part IV

Department of Health and Human Services

Administration for Children and Families

Availability of Financial Assistance to Expand Head Start Enrollment; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF-HS 13.600-91-2]

Availability of Financial Assistance to Expand Head Start Enrollment

AGENCY: Administration for Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Announcement of financial assistance to expand Head Start enrollment.

SUMMARY: The Head Start Bureau of the Administration for Children, Youth and Families announces that competing applications will be accepted to establish new Head Start programs or to expand current programs in geographical areas, including Federal Indian Reservations, not currently served by Head Start, and to establish or expand programs serving children of migrant farmworkers.

DATES: The closing date for receipt of applications is July 26, 1991.

ADDRESSES: Address applications to: Head Start Expansion, Administration for Children and Families, Grants and Contracts Management Division, SW., Hubert H. Humphrey Building, room 341F.2, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT:

For applications under Category 1—The ACF Regional Office which is responsible for the Head Start programs in your state. Regional Office telephone numbers are listed in appendix A.

For applications under Category 2—Lee Fields, Chief, American Indian Programs Branch, Program operations division, Head Start Bureau; (202) 245–0437.

For applications under Category 3—Frank Fuentes, Chief, Migrant Programs Branch, Program Operations Division, Head Start Bureau; (202) 245–0455.

SUPPLEMENTARY INFORMATION:

Part I. General Information

A. Background

This announcement solicits applications from eligible applicants that wish to compete for Head Start grants to serve low-income preschool children in areas not currently served by Head Start.

In fiscal year 1991, the Administration on Children, Youth and Families (ACYF) will award a total of $159,447,000 to expand Head Start enrollment by up to an estimated 51,000 children. An analysis was conducted to determine a fair distribution of expansion funds among the geographical areas in each State, based on the numbers of eligible children in each geographical area and the amount of Federal Head Start funding already being provided. Most of the FY 1991 expansion funds will be used to increase enrollment in geographical areas currently served by Head Start. However, a proportionate share of funds is being reserved to establish new Head Start programs or expand current programs in currently unserved areas. This announcement reflects the latter category—to serve children in currently unserved areas.

Expansion applications under this announcement should be submitted under one of the following three categories:

Category 1. Children living in geographical areas that are not currently served by Head Start. A list of unserved areas is included in table A.

Eligible applicants are: (a) Head Start grantees from nearby geographical areas that wish to expand their programs into unserved geographical areas; and (b) Other local public or private non-profit organizations that wish to initiate a Head Start program in one or more unserved geographical areas.

Category 2. Children living on Federally recognized Indian reservations where a Head Start program does not currently operate.

Eligible applicants are Tribal governments, or agencies designated by the Tribal government, of unserved reservations that wish to initiate a Head Start program.

Category 3. Children of migrant farmworkers.

Eligible applicants are: (a) Head Start grantees currently funded by the Migrant Programs Branch that wish to serve additional children of migrant farmworkers in geographical areas they currently serve (a list of geographical areas where migrant Head Start programs currently operate is shown in table B); and (b) public or private non-profit agencies, including migrant Head Start grantees, that wish to initiate a program for migrant children in geographical areas that are not currently served by a migrant Head Start program. (Any geographical area not listed in table B is considered unserved.)

All current migrant Head Start grantees may apply under Category 3, regardless of the fact that these grantees may have already received some of the FY 1991 expansion funds allotted for the purpose of expanding migrant Head Start enrollment within their current service areas.

Eligible applicants may apply for more than one category, but must submit a separate application for each category.

B. Program Purpose

Head Start is a national program providing comprehensive developmental services primarily to low-income preschool children and their families. To help enrolled children achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of parents of enrolled children in the development, conduct, and direction of local programs. Head Start currently serves approximately 541,000 children through a network of approximately 1,321 grantees.

While Head Start is targeted primarily towards children whose families have incomes at or below the poverty line or who are eligible for public assistance, regulations permit up to 10 percent of the Head Start children in local programs to be from families who do not meet these low-income criteria. The Head Start statute also requires that a minimum of 10 percent of enrollment opportunities in each State be made available to children with disabilities. Such children are expected to be enrolled in the full range of Head Start services and activities in a mainstream setting with their non-disabled peers, and to receive needed special education and related services.

Statutory and Regulatory Authority

The Head Start program is authorized by the Head Start Act, 42 U.S.C. 9831 *et seq.*

The relevant regulations are:

45 CFR Part 1301, Head Start grants administration.

45 CFR Part 1302, Policies and procedures for selection, initial funding, and refunding of Head Start grantees, and for selection of replacement grantees.

45 CFR Part 1303, Procedures for appeals for Head Start delegate agencies, and for opportunities to show cause and hearings for Head Start grantees.

45 CFR Part 1304, Program Performance Standards for operation of Head Start programs by grantees and delegate agencies.

45 CFR Part 1305, Eligibility requirements and limitations for enrollment in Head Start.

45 CFR Part 74, Administration of Grants, and 45 CFR Part 92, Uniform

Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

c. Available Funds

Category 1. A total of approximately $6,437,800 will be made available under Category 1 of this announcement for establishing new Head Start programs in currently unserved geographical areas. The available funds, by State, for this category are provided in table C. To assure that the program can operate cost-efficiently, applicants that are not current Head Start grantees will generally not be funded to initiate a new program in unserved geographical areas for less than 60 children, unless the applicant can justify why a smaller enrollment level is appropriate for the geographical areas proposed for expansion. Current Head Start grantees may be funded for as little as one class when they expand into an unserved geographical area if such an expansion would be cost efficient.

Category 2. For applicants applying to serve children on unserved Indian reservations under Category 2, up to $1,000,000 will be made available. Applicants will generally not be funded for less than 60 children, unless the applicant can justify why a smaller enrollment level is appropriate.

Category 3. For applicants applying to serve migrant children under Category 3, up to $3,000,000 will be made available. While no minimum enrollment level has been established for migrant Head Start projects, applicants should indicate a sufficient number of eligible children to ensure a viable program. Factors to be addressed related to program viability should include size of service area proposed, and sufficient population to justify program services in "off years" due to natural disasters, crop failure, or variations in the migrant stream.

D. Eligible Applicants

Eligible applicants are those described in section A above.

Part II. Specific Responsibilities

A. Application Requirements

In carrying out the proposed expansion of Head Start enrollment under this announcement, applicants should:

1. Demonstrate that there is a need for assistance based on the stated objectives of the program the applicant intends to operate.

2. Assure that services will be provided to those families and children who have the most serious need for Head Start services. All applicants must clearly document the number of unserved Head Start eligible children living in their proposed recruitment area.

Applicants applying to serve migrant children must clearly document the number of migrant families and children in their proposed service area and the period of time which these families are in the applicant's proposed service area; and, the application must also clearly document that the families to be served are mobile migrants.

3. Demonstrate that the proposed program is consistent with the needs of the intended participants and the community proposed to be served.

4. Indicate what geographical area or areas the applicant is proposing to serve. For Category 1 applicants, 20 of the 50 points in Criterion 1 (see part III) will be assigned based on the relative numbers of eligible children in the geographical area (or geographical areas) proposed for service as compared with other unserved geographical areas in the State. Scores will be assigned using the most recent data available from the Census Bureau on the population of Head Start eligible children in each geographical area.

Applicants may provide additional, verifiable demographic data if they wish to demonstrate that the number of eligible children in the geographical area of geographical areas proposed for service has increased at a significantly faster rate than it has in the rest of the State.

5. Explain why the proposed recruitment area has been chosen as opposed to other possible recruitment areas in the unserved geographical areas.

6. Assure that program enrollment opportunities are made available to children with disabilities, and that such children will be enrolled in the full range of Head Start services and activities in a mainstream setting and receive needed special education and related services.

7. Indicate the ages of the children proposed for expansion. Expansion funds are intended to allow more low-income children to participate in Head Start. Therefore, our priority for new enrollees will be to serve children in the year prior to their entry into kindergarten. However, grantees are not precluded from proposing and being funded to serve younger children.

8. Provide for the involvement of parents and other community members and organizations in the development and planning of the application.

9. Demonstrate that they have the ability and experience to administer a Head Start program.

10. Propose to implement the increase in enrollment in a timely and efficient manner. This includes assuring the availability of classroom space which meets required licensing standards, the ability to provide adequate transportation, and the ability to recruit eligible children and families.

11. Indicate what types of cooperative arrangements have been made with other public or private agencies which will assist the applicant in providing quality Head Start services.

12. Describe the mechanisms for hiring teachers who have received appropriate training or have experience in early childhood education and providing employment opportunities for residents from the service area.

13. Propose a reasonable staffing pattern and identify all proposed staff or staff positions, their proposed salary rates and the length of time they will be employed each year.

14. Demonstrate how the community will benefit from the services provided.

15. Describe how they will provide quality ongoing services at a reasonable cost. Provide two budgets, including a budget with start-up costs as well as a budget with ongoing operating costs.

16. Explain what other resources in the community will help support the proposed expansion in enrollment.

Additional Requirements for Migrant Programs

Applicants for migrant Head Start funds should provide their responses to the requirements listed above the following information: (a) The specific times and duration of the agricultural growing season, (b) the length of the work day for the migrant farmworkers, (c) the opening and closing hours for the proposed Head Start centers, (d) the distance of migrant residences to the centers, and (e) clear documentation that the families to be served are mobile farmworkers.

B. Recipient Share of the Project

Section 640(b) of the Head Start Act requires that at least 20 percent of the total cost of Head Start projects come from sources other than the Federal government. The non-federal share may be in cash or in-kind, fairly valued, including facilities, equipment, or volunteer services.

Part III. Criteria for Review and Evaluation of the Grant Application

In considering how applicants will carry out the responsibilities addressed under part II of this announcement, competing applications for financial assistance will be reviewed and evaluated against the following criteria.

A. Objectives and Need for Assistance (50 points)

The extent to which the application pinpoints any relevant physical, economic, social, financial, institutional, or other problems requiring a grant; demonstrates the need for assistance; states the principal and subordinate objectives of the project and; provides supporting documentation or other testimonies from concerned interests in the community to be served other than the applicant.

Information provided in response to part II, section A, Numbers 1, 2, and 3 will be used to review and evaluate applicants on the above criterion.

B. Results or Benefits Expected (10 points)

The extent to which the application identifies the results and benefits to be derived and describes the anticipated contribution to policy, practice, theory and/or research.

Information provided in response to part II, section A, Number 14 wil be used to review and evaluate applicants on the above criterion.

C. Approach (25 points)

The extent to which the application outlines an acceptable plan of action pertaining to the scope of the project which details how the proposed work will be accomplished; lists each organization, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution and; demonstrates that the program would employ residents of the applicant's proposed service area.

Information provided in response to part II, section A, Numbers 6, 7, 8, 9, 10, 11, 12, and 13 of this announcement will be used to review and evaluate applicants on the above criterion.

D. Geographic Location (5 points)

The extent to which the application gives a precise location of the project and area to be served by the proposed project and describes the families to be served.

Information provided in response to part II, section A, Numbers 4 and 5 of this announcement will be used to review and evaluate applicants on the above criterion.

E. Budget Appropriateness and Reasonableness (10 points)

The extent to which the project's costs are reasonable in view of the activities to be carried out and the anticipated outcomes. The extent to which assurances are provided that the applicant can and will contribute the required non-Federal share of the total project cost.

Information provided in response to part II, section A, Numbers 15 and 16 of this announcement will be used to review and evaluate applicants on the above criterion.

Part IV. The Application Process

A. Availability of Forms

Eligible agencies interested in applying for funds must submit all of the required forms included at the end of this announcement in appendix C.

In order to be considered for a Head Start grant, an application must be submitted on Standard Form 424. Each application must be signed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award and must contain certification regarding lobbying. Applications must be prepared in accordance with the guidance provided in this announcement and the instructions contained in the application kit.

B. Conference for Prospective Applicants

A conference for prospective applicants will be conducted by each ACF Regional Office between two weeks and four weeks after the publication date of this announcement.

Conferences will also be held in Washington, DC, for prospective applicants for programs to serve American Indians or migrant farmworker families. At these conferences, staff will answer questions about this announcement and about the Head Start program. It is not necessary to attend the conference to submit a grant application.

Information about the location and time of a conference may be obtained by calling:

For applications under Category 1—the appropriate Regional Office at the number shown in appendix A.

For applications under Category 2—Lee Fields, Chief, American Indian Programs Branch, Program Operations Division, Head Start Bureau; (202) 245–0437.

For applications under Category 3—Frank Fuentes, Chief, Migrant Programs Division, Program Operations Division, Head Start Bureau; (202) 245–0455.

C. Application Submission

One signed original and two copies of the grant application, including all attachments, are required. Completed applications must be sent to: Head Start Expansion, Administration for Children and Families, Grants and Contracts Management Division, room 341F.2, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. The program announcement number (ACYF–HS 13.600–91–2) must be clearly identified on the application. Applicants must also indicate in Box 11 on Standard Form 424 which of the three categories in Section A above for which they are applying. Applicants may apply to serve children in more than one category but must submit a separate application for each category. Applicants applying for more than one category in a single application will not be considered for funding in any category.

D. Application Consideration

Applicants will be reviewed against the evaluation criteria outlined in section III. The review will be conducted in Washington, DC. Reviewers will be persons knowledgeable about the Head Start program and early childhood education and development, including parents of Head Start children, Federal staff, and other experts, such as university staff or staff of child development projects.

The results of the competitive review will be taken into consideration by the Associate Commissioner, Head Start Bureau, who, in consultation with ACF Regional Officials, will recommend projects to be funded. The Commissioner of ACYF will make the final selection of the applicants to be funded. Applications may be funded in whole or in part depending on relative need, applicant ranking, and funds available.

The Commissioner may elect not to fund any applicants that have management, fiscal, or other problems and situations which make it unlikely that they would be able to provide effective Head Start services. For example, this might apply to a current Head Start grantee which had large, chronic balances of unobligated funds due to poor management, or one that has failed to serve the agreed upon numbers of children. Also, the Commissioner may decide not to fund projects which would require unreasonably large initial start-up costs for facilities or equipment. In addition, ACYF will assess the quality of current Head Start programs applying for expansion funding, using information from the Program Information Report, on-site reviews, cost studies, etc. and may elect not to provide expansion funding to programs experiencing

problems in providing quality services. The degree of community support will be considered when selecting among applicants for an unserved geographical area whose rankings are similar.

Successful applicants will be notified through the issuance of a Financial Assistance Award which sets forth the amount of funds awarded, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, the non-Federal share to be provided, and the total project period for which support is provided.

E. Closing Date for Receipt of Applications

The closing date for the receipt of applications is July 26, 1991.

1. Deadlines. Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date at the ACF Grants and Contracts Management Office, or

b. Sent on or before the deadline date and received by the granting agency in time for them to be considered during the competitive review and evaluation process under Chapter 1–62 of the Health and Human Services Grants Administration Manual. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

2. Applications submitted by other means. Applications which are not submitted in accordance with the above criteria shall be considered as meeting the deadline only if they are physically received before the close of business on or before the deadline date. Hand delivered applications will be accepted at the ACF Grants and Contracts Management Division during the normal working hours of 8:30 a.m. to 5 p.m., Monday through Friday.

3. Late Applications. Applications which do not meet one of these criteria are considered later applications. The Head Start Bureau will notify each late applicant that its application will not be considered in this expansion.

4. Extension of deadline. The Head Start Bureau may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc. or when there is a disruption of the mails. However, if the Head Start Bureau does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

F. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications under OMB Control Number 0348–0043.

G. Executive Order 12372—Notification Process

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs", and 45 CFR 4–25 part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities". Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Virginia, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applications from Federally recognized Indian Tribes are exempt from E.O. 12372.

Applicants from these nine areas and from Federally recognized Indian Tribes need take no action regarding E.O. 12372. All order applicants should contact their SPOC as soon as possible to alert them of the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF 424, item 22a.

SPOCs have 60 days from the application deadline date to comment on applications submitted under this announcement. Therefore, the comment period for State processes will end on September 24, 1991, to allow time for ACF to review, consider, and attempt to accommodate SPOC input. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addresed to: Department of Health and Human Services, Administration for Children and Families, Grants and Contracts Division, 200 Independence Ave., SW., Hubert H. Humphrey Building, room 341F.2, Washington, DC 20201, Attn: William J. McCarron, ACF–91–Head Start/Expansion.

ACF will notify the State of any application received which has no indication that the State process has had an opportunity for review.

A list of Single Points of Contact for each State and territory is included at appendix B.

(Catalog of Federal Domestic Assistance Program Number 13.600, Project Head Start)

Dated: April 19, 1991.

Wade F. Horn,

Commissioner, Administration for Children, Youth and Families.

Approved: May 6, 1991.

Donna N. Givens,

Deputy Assistant Secretary for Children and Families.

Table A—Geographical Areas Not Served by Head Start Programs Funded by ACF Regional Offices

Alabama

The Counties of Chilton, Choctaw, Conecuh, Marion, and Shelby. All areas outside the city of Phoenix in Russell County.

Alaska

The Aleutian Islands, Bristol Bay, Dillingham, Juneau, North Slope, Sitka, Skaguay, Southeast, and Yukon-Koyukuk.

Arizona

No Unserved Counties.

Arkansas

The Counties of Grant, Lincoln, Lonoice, Prairie, and Sevier.

California

The Counties of Alpine, Inyo, Mariposa, and Mono.

Colorado

The Counites of Baca, Chaffee, Cheyenne, Custer, Dolores, Douglas, Eagle, Elbert, Grand, Gunnison, Hinsdale, Jackson, Kiowa, Kit Carson, Lincoln, Mineral, Moffat, Ouray, Phillips, Pitkin, Rio Blanco, Routt, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, and Yuma.

The cities of Golden, Wheatridge, Columbine, Morrison, Evergreen, and Mountain View in Jefferson County.

The city of Brush in Morgan County.

The city of Estes Park in Larimer County.

Connecticut

No Unserved Counties.

Delaware

No Unserved Counties.

District of Columbia

No Unserved Counties.

Florida

The Counties of Calhoun, Citrus, Dixie, Gilchrist, Glades, Gulf, Hardee, Levy, Liberty, Madison, Martin, Okeechobee, and Wakulla.

Georgia

The Counties of Atkinson, Brantley, Candler, Chattahoochee, Columbia, Echols, Fayette, Glascock, Heard, Lee, Lincoln, Miller, Oconee, Pierce, Pike, Quitman, Seminole, Talbot, Taliaferro, and Wilkes.

Hawaii

The County of Kalawao.

Idaho

The Counties of Adams, Bear Lake, Boise, Butte, Camas, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Lincoln, Madison, Oneida, Owyhee, Power, and Teton.

Illinois

The Counties of Boone, Ford, Grundy, Marshall, Menard, and Putnam.

Indiana

The Counties of Boone, Carroll, Cass, Clinton, Fayette, Fulton, Hamilton, Howard, Jasper, Kosciusko, Lagrange, Miami, Noble, Tipton, Union, Wabash, White, and Whitley.

Iowa

The Counties of Adair, Hancock, Madison, Mitchell, Montgomery, Page, Taylor, and Worth.

Kansas

The Counties of Anderson, Barber, Barton, Chase, Chautauqua, Cheyenne, Clark, Coffey, Comanche, Decatur, Dickinson, Edwards, Elk, Ellsworth, Gove, Graham, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jewell, Kingman, Kiowa, Lane, Lincoln, Logan, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Rush, Russell, Seward, Sheridan, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wilson, and Woodson.

All areas outside Hutchinson Board of Education School District in Reno County.

All areas outside Dodge City USD #443 in Ford County.

Kentucky

The Counties of Caldwell, Livingston, Meade, Pendleton, and Scott.

Louisiana

The Counties of Assumption, Cameron, E. Feliciana, Plaquemines, and W. Feliciana.

Maine

No Unserved Counties.

Maryland

No Unserved Counties.

Massachusetts

The County of Nantucket.

The towns of Auburn, Boylston, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Holden, Leicester, Millbury, North Brookfield, Oakham, Oxford, Paxton, Rutland, Southbridge, Spencer, Sturbridge, Sutton, Warren, Webster, West Brookfield, and West Boylston in Worcester County.

Michigan

No Unserved Counties.

Minnesota

No Unserved Counties.

Mississippi

No Unserved Counties.

Missouri

No Unserved Counties.

Montana

The Counties of Beaverhead, Big Horn, Blaine, Carbon, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Garfield, Glacier, Golden Valley, Lake, Liberty, McCone, Madison, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wibaux, and Yellowstone National Park.

Nebraska

The Counties of Arthur, Banner, Blaine, Boyd, Cedar, Chase, Cuming, Deuel, Dixon, Dundy, Franklin, Frontier, Furnas, Garden, Garfield, Gosper, Grant, Harlan, Hayes, Hitchcock, Hooker, Johnson, Kearney, Keith, Keya Paha, Logan, Loup, McPherson, Nance, Nuckolls, Pawnee, Perkins, Pierce, Red Willow, Rock, Sarpy, Sioux, Stanton, Thomas, Washington, Wayne, Webster, and Wheeler.

Nevada

The Counties of Douglas, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, and Storey.

New Hampshire

No Unserved Counties.

New Jersey

No Unserved Counties.

New Mexico

The Counties of De Baca, Harding, Lincoln, and Los Alamos.

New York

The Counties of Genesee, Livingston, and Seneca.

North Carolina

The Counties of Currituck, Person, Polk, Randolph, and Rutherford.

North Dakota

The Counties of Adams, Barnes, Billings, Bowman, Burke, Cavalier, Dickey, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, La Moure, Logan, McIntosh, McKenzie, McLean, Mercer, Mountrail, Nelson, Oliver, Pembina, Ransom, Renville, Rolette, Sargent, Sheridan, Sioux, Slope, Steele, Towner, Traill, and Wells.

Ohio

No Unserved Counties.

Oklahoma

The Counties of Alfalfa, Beaver, Cimarron, Dewey, Ellis, Grant, Harper, and Major.

Oregon

The Counties of Curry, Gilliam, Harney, Jefferson, Lake, Morrow, Sherman, and Wheeler.

Pennsylvania

Pike County.

Puerto Rico

No Unserved Counties.

Rhode Island

No Unserved Counties.

South Carolina

No Unserved Counties.

South Dakota

The Counties of Bennett, Clark, Corson, Deuel, Hamlin, Harding, Hyde, Mellette, Perkins, and Shannon.

All areas outside the city of Sioux Falls in Minnehaha County.

Tennessee

Van Buren County.

Texas

The Counties of Aransas, Archer, Armstrong, Austin, Bandera, Baylor, Borden, Brewster, Briscoe, Camp, Carson, Chambers, Coke, Concho, Crane, Crockett, Culberson, Deaf Smith, Delta, De Witt, Donley, Edwards, Foard, Franklin, Glassock, Gonzales, Hansford, Hardin, Hartley, Haskell, Hemphill, Hopkins, Hudspeth, Irion, Jack, Jackson, Jeff Davis, Jones, Kendall, Kenedy, Kent, Knox, Lavaca, Lee, Liberty, Lipscomb, Live Oak, Loving, McMullen, Menard, Montgomery, Morris, Ochiltree, Oldham, Presidio, Rains, Randall, Reagan, Refugio, Roberts, Schleicher, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Terrell, Throckmorton , Titus, Upshur, Walker, Waller, Ward, Wheeler, Winkler, Wood, and Young.

All areas outside of Tyler ISD in Smith County.

All areas outside of Beaumont ISD and Port Arthur ISD in Jefferson County.

All areas outside of Midland ISD in Midland County.

All areas outside of West Orange county ISD in Orange County.

All areas outside of Detroit ISD in Red River County.

All areas outside of Plano ISD in Collin County.

All areas outside of Denton ISD in Denton County.

All areas outside of Terrell ISD in Kaufman County.

All areas outside of Paris ISD in Lamar County.

All areas outside of Sherman ISD in Gramson County.

All areas outside of Hondo ISD in Medina County.

Utah

The Counties of Beaver, Daggett, Juab, Kane, Morgan, Piute, Rich, Sanpete, Summit, Todele, Uintah, and Wayne.

Vermont

No Unserved Counties.

Virginia

The Counties of Amelia, Appomatox, Augusta, Bath, Brunswick, Campbell, Charlotte, Clarke, Culpepper, Cumberland, Dinwiddie, Essex, Frederick, Gloucester, Hanover, Henry, Highland, King George, Lancaster, Loudoun, Lunenburg, Mathews, Mecklenburg, Middlesex, Nelson, Northumberland, Nottoway, Page, Prince George, Prince William, Rappahannock, Richmond, Rockingham, Shenandoah, Spotsylvania, Warren, Westmoreland.

The cities of Colonial Heights, Harrisonburg, Hopewell, Manassas City, Manassas Park, Poquoson City, Staunton, Waynesboro, and Winchester.

Washington

The Counties of Adams, Columbia, Garfield, Lincoln, San Juan, and Wahkiakum.

West Virginia

The Counties of Jefferson and Summers.

Wisconsin

The Counties of Dodge, Kewaunee and Ozaukee.

All areas outside of the Greenbay Public School District in Brown County.

All areas outside of the Merrill Area School District of Lincoln County.

Wyoming

The Counties of Campbell, Crook, Lincoln, Sublette, Sweetwater, Teton, Uinta, Weston.

Table B—Counties Served by Migrant Head Start Programs

Alabama

The County of Baldwin.

Arizona

The Counties of Maricopa, Pinal, and Yuma.

Arkansas

The Counties of Ashley, Bradley, Chicot, Clay, Lawrence, Mississippi, and White.

California

The Counties of Butte, Contra Costa, Fresno, Glenn, Imperial, Kern, Kings, Lake, Madera, Mendocino, Merced, Monterey, Riverside, San Benito, San Joaquin, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, Sutter, Stanislaus, Tulare, Ventura, and Yolo.

Colorado

The Counties of Adams, Alamosa, Boulder, Conejos, Costilla, Crowley, Larimer, Otero, Saguache, San Luis, and Weld.

Connecticut

No Served Counties.

Delaware

The County of Kent.

Florida

The Counties of Collier, De Soto, Hardee, Hillsborough, Lake, Lee, Manatee, Martin, Okeechobee, Orange, Palm Beach, Pasco, Polk, St. and Luice.

Georgia

The Counties of Appling, Montgomery, Toombs, Treutlen, and Wheeler.

Idaho

The Counties of Bingham, Bonneville, Canyon, Cassia, Gooding, Jefferson, Jerome, Madison, Minidoka, Owyhee, Payette, Twin Falls, and Washington.

Illinois

The Counties of Iroquois, Jackson, Kane, Kankakee, Kendall, Mercer, Peoria, Rock Island, Stark, Union, Vermillion, Will, and Williamson.

Indiana

The Counties of Cass, Delaware, Grant, Howard, La Porte, Madison, Tipton, and Wells.

Iowa

The Counties of Butler, Calhoun, Carroll, Franklin, Greene, Guthrie, Hardin, Humboldt, Iowa, Johnson, Washington, Webster, and Wright.

Kansas

No Served Counties.

Kentucky

No Served Counties.

Louisiana

No Served Counties.

Maine

No Served Counties.

Maryland

The Counties of Caroline, Dorchester, Queen Annes, Somerset.

Massachusetts

No Served Counties.

Michigan

The Counties of Allegan, Arenac, Bay, Berrien, Kent, Leelanau, Lenawee, Oceana, Ottawa, and Van Buren.

Minnesota

All Counties served.

Mississippi

No Served Counties.

Missouri

No Served Counties.

Montana

The areas of Billings and Fairview.

Nebraska

The Counties of Alliance, Bayard, and Gering.

Nevada

No Served Counties.

New Hampshire

No Served Counties.

New Jersey

The Counties of Atlantic and Cumberland.

New Mexico

The Counties of Dona Ana, Rio Arriba, and Roosevelt.

New York

The Counties of Chautauqua, Genessee, Niagra, Ontario, Orange, Orleans, Oswego, Ulster, and Wayne.

North Carolina

The Counties of Davie, Duplin, Forsyth, Greene, Harnett, Henderson, Johnston, Nash, Pitt, Sampson, Surry, Wake, Wayne, Wilkes, Wilson, and Yadkin.

North Dakota

No Served Counties.

Ohio

The Counties of Mercer, Ottawa, Putnam, Sandusky, Seneca, and Wood.

Oklahoma

No Served Counties.

Oregon

The Counties of Harney, Hood River, Jefferson, Klamath, Malheur, Marion, Umatilla, and Washington.

Pennsylvania

The County of Erie.

Rhode Island

No Served Counties.

South Carolina

The County of Charleston.

South Dakota

No Served Counties.

Tennessee

The Counties of Bledsoe, Cocke, Coffee, Franklin, Hamblen, Jefferson, Lincoln, Rhea, Sevier, Unicoi, and Warren.

Texas

The Counties of Bailey, Bexar, Brooks, Cameron, Crosby, Deaf Smith, Dimmit, Floyd, Frio, Gonzales, Hale, Hidalgo, Lynn, Maverick, Medina, Nueces, San Patricio, Starr, Uvalde, Val Verde, Webb, Willacy, and Zavala.

Utah

All Counties Served.

Vermont

No Served Counties.

Virginia

The Counties of Accomack, Clarke, Frederick, and Northampton.

Washington

The Counties of Adams, Benton, Chelan, Douglas, Franklin, Grant, Okanogan, Skagit, Whatcom, Walla Walla, and Yakima.

West Virginia

No Served Counties.

Wisconsin

The Counties of Adams, Columbia, Dodge, Jefferson, Marquette, and Waushama.

Wyoming

The Counties of Lovell, Powell, and Worland.

Table C—State Allocations

Estimated State Funding Levels for Unserved Geographical Areas

Alabama	$229,450
Alaska	205,000
Arizona	N/A
Arkansas	65,302
California	69,349
Colorado	161,005
Connecticut	N/A
Delaware	N/A
D.C.	N/A
Florida	374,309
Georgia	327,970
Hawaii	N/A
Idaho	206,798
Illinois	66,810
Indiana	207,721
Iowa	71,916
Kansas	370,809
Kentucky	103,784
Louisiana	162,068
Maine	N/A
Maryland	N/A
Massachusetts	174,000
Michigan	N/A
Minnesota	51,114
Mississippi	N/A
Missouri	N/A
Montana	228,625
Nebraska	223,178
Nevada	137,150
New Hampshire	N/A
New Jersey	N/A
New Mexico	26,886
New York	127,853
North Carolina	194,790
North Dakota	187,754
Ohio	60,489
Oklahoma	44,275
Oregon	68,811
Pennsylvania	24,919
Puerto Rico	N/A
Rhode Island	N/A
South Carolina	N/A
South Dakota	107,227
Tennessee	7,849
Texas	1,338,953
Utah	119,425
Vermont	N/A
Virginia	385,774
Washington	82,747
West Virginia	110,324
Wisconsin	193,647
Wyoming	71,704

N/A means that in these States all geographical areas are served by Head Start and thus there will not be any competition for unserved geographical areas.

A discretionary reserve will be used to supplement the funds available in those States with unserved geographical areas where the State's available funds are not sufficient to permit an expansion. In those States, sufficient funds will be made available to fund one new class (or home-based group) should an acceptable expansion proposal be received.

Appendix A—ACF Regional Offices

Region I: (617) 565–1139—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Region II: (212) 264–2974—New Jersey, New York, Puerto Rico, Virgin Islands
Region III: (215) 596–1224—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
Region IV: (404) 331–2398—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Region V: (312) 353–4241—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Region VI: (214) 767–2976—Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Region VII: (816) 426–5401—Iowa, Kansas, Missouri, Nebraska
Region VIII: (303) 844–3106—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Region IX: (415) 556–6153—Arizona, California, Hawaii, Nevada, Outer Pacific
Region X: (206) 399–0838—Alaska, Idaho, Oregon, Washington
American Indian Programs (202) 245–0437
Migrant Programs (202) 245–0455

Appendix B—Executive Order 12372—State Single Points of Contact

Alabama

Mrs. Moncell Thornell, State Single Point of Contact, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 250347, Montgomery, Alabama 36125–0347, Tel. (205) 284–8905

Arizona

Mrs. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, 14th floor, Phoenix, Arizona 85012, Tel. (602) 280–1315

Arkansas

Mr. Joseph Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371–1074

California

Loreen McMahon, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 323–7480

Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, room 520, Denver, Colorado 80203, Tel. (303) 866–2156

Connecticut

Under Secretary, ATTN: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–3410

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Tel. (302) 736–3326

District of Columbia

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, room 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Tel. (202) 727–9111

Florida

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Tel. (904) 488–8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Tel. (404) 656–3855

Hawaii

Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol, Honolulu, Hawaii 96813, Tel. (808) 548–3016 or 548–3085

Illinois

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782–8639

Indiana

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232–5610

Iowa

Steven R. McCann, Division of Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Tel. (515) 281–3725

Kentucky

Robert Leonard, State Single Point of Contact, Kentucky State Clearinghouse, 2nd floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564–2382

Maine

State Single Point of Contact, ATTN: Joyce Benson, State Planning Office, State House Station No. 38, Augusta, Maine 04333, Tel. (207) 289–3261

Maryland

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Tel. (301) 225–4490

Massachusetts

State Single Point of Contact, ATTN: Beverly Boyle, Executive Office of Communities and Development, 100 Cambridge Street, room 1803, Boston, Massachusetts 02202, Tel. (617) 727–7001

Michigan

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Tel. (517) 373–7111

Please direct correspondence to: Manager, Federal Project Review, Michigan Department of Commerce, Michigan Neighborhood Builders Ailiance, P.O. Box 30242, Lansing, Michigan 43909, Tel. (517) 373–6223

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Tel. (601) 960–4280

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, room 430, Truman Building, Jefferson City, Missouri 65102, Tel. (314) 751–4834

Montana

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, room 202—State Capitol, Helena, Montana 59620, Tel. (406) 444–5522

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 687–4420, ATTN: John B. Walker, Clearinghouse Coordinator

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, ATTN: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271–2155

New Jersey

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625–0803, Tel. (609) 292–6613

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625–0803, Tel. (609) 292–9025

New Mexico

Dorothy E. (Duffy) Rodriquez, Deputy Director, State Budget Division, Department of Finance & Administration, room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Tel. (505) 827–3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733–0499

North Dakota

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224–2094

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th floor, Columbus, Ohio 43266–0411, Tel. (614) 466–0698

Oklahoma

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Tel. (405) 843–9770

Oregon

Attn: Delores Streeter, State Single Point of Contact, Intergovernmental Relations Division, State Clearinghouse, 155 Cottage Street, NE., Salem, Oregon 97310, Tel. (503) 373–1998

Pennsylvania

Sandra Kline, Project Coordinator, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Tel. (717) 783–3700

Rhode Island

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277–2656

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning

South Carolina

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, room 477, Columbia, South Carolina 29201, Tel. (803) 734–0493

South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Tel. (605) 773–3212

Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Tel. (615) 741–1676

Texas

Tom Adams, Office of Budget and Planning, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, Tel. (512) 463–1778

Utah

Dale Hatch, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 538–1547

Vermont

Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828–3326

Washington

Marilyn Dawson, Washington Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Mail Stop GH–51, Olympia, Washington 98504–4151, Tel. (206) 753–4978

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, room 553, Charleston, West Virginia 25305, Tel. (304) 348–4010

Wisconsin

James R. Klauser, Secretary, Wisconsin Department of Administration, 101 South Webster Street, GEF 2, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–1741

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal-State Relations Office, Wisconsin Department of Administration (608) 266–0267

Wyoming

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777–7574

Guam

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Tel. (671) 472–2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Patria Custodio/Israel Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Tel. (809) 727–4444

Virgin Islands

Jose L. George, Director, Office of Management and Budget, No. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Tel. (809) 774–0750

BILLING CODE 4130–01–M

ATTACHMENT C

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2 DATE SUBMITTED	Applicant Identifier
	3 DATE RECEIVED BY STATE	State Application Identifier
	4 DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name	Organizational Unit
Address (give city, county, state, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A State; B County; C Municipal; D Township; E Interstate; F Intermunicipal; G Special District; H Independent School Dist.; I State Controlled Institution of Higher Learning; J Private University; K Indian Tribe; L Individual; M Profit Organization; N Other (Specify) _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A Increase Award; B Decrease Award; C Increase Duration; D Decrease Duration; Other (specify) _____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ . ☐☐☐

TITLE

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:	
a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

INSTRUCTIONS FOR THE SF-424A *(continued)*

Line 7 – Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8-11 – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) – Enter the contribution to be made by the applicant.

Column (c) – Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) – Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) – Enter totals of Columns (b), (c), and (d).

Line 12 — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 – Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 – Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 – Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16 - 19 – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 – Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 – Provide any other explanations or comments deemed necessary.

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ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

BILLING CODE 4130-01-C

U.S. Department of Health and Human Services Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR part 76, subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code) _____

Check _____ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition,

Department of Health and Human Services, room 517–D, 200 Independence Avenue, SW., Washington, D.C. 20201.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction." provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions." without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

BILLING CODE 4130-01-M

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Organization

_____

Authorized Signature Title Date

NOTE: If Disclosure Forms are required, please contact: Mr. William Sexton, Deputy Director, Grants and Contracts Management Division, Room 341F, HHH Building, 200 Independence Avenue, SW, Washington, D.C. 20201-0001

[FR Doc. 91-13751 Filed 6-10-91; 8:45 am]
BILLING CODE 4130-01-C

federal register

Tuesday
June 11, 1991

Part V

The President

Proclamation 6301—Establishment of Programs for Special Import Quotas on Upland Cotton and Modification of the Tariff-Rate Quota on Imported Sugars, Syrups, and Molasses

Federal Register

Federal Register
Vol. 56, No. 112
Tuesday, June 11, 1991

Presidential Documents

Title 3—

The President

Proclamation 6301 of June 7, 1991

Establishment of Programs for Special Import Quotas on Upland Cotton and Modification of the Tariff-Rate Quota on Imported Sugars, Syrups, and Molasses

By the President of the United States of America

A Proclamation

1. Section 103B(a)(5)(F) of the Agricultural Act of 1949 (the 1949 Act), as added by section 501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act) (7 U.S.C. 1444–2(a)(5)(F)), requires the President to establish an import quota program which shall provide that, during the period beginning August 1, 1991, and ending July 31, 1996, whenever the Secretary of Agriculture determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) one and three-thirty-seconds inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of marketing certificates issued to domestic users or exporters for certain documented sales, exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special limited global import quota equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available. Section 103B(a)(5)(F) further provides that such quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement and entered into the United States not later than 180 days after such date and that a special quota period may be established that overlaps any existing quota period, except that a special quota period may not be established under this program if a special quota period has been established under subsection (n) of section 103B.

2. Section 103B(n) of the 1949 Act, as added by section 501 of the 1990 Act (7 U.S.C. 1444–2(n)), requires the President to establish an import quota program which shall provide that whenever the Secretary of Agriculture determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in such markets for the preceding 36 months there shall immediately be in effect a special limited global import quota equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available; provided that if a special quota had been established under this program during the preceding 12 months, the quantity of the quota next established shall be the smaller of 21 days of domestic mill consumption or the quantity required to increase the supply to 130 percent of the demand. Section 103B(n) further provides that such a special quota shall remain in effect for a 90-day period and that a special quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a)(5)(F) of section 103B.

3. I find that the Congress intended the special import quotas required by section 103B of the 1949 Act, as amended, to permit the importation of quantities of upland cotton in addition to any quantities permitted to be imported under any quota on imports of upland cotton established pursuant to the provisions of section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624).

4. By Proclamation No. 6179 of September 13, 1990 (55 FR 38293), the President modified, effective October 1, 1990, the rates of duty and quota limitations applicable to certain imported sugars, syrups, and molasses and, *inter alia*, provided for certain licensing programs for the importation of raw cane sugar described in subheading 1701.11.02 of the Harmonized Tariff Schedule of the United States (HTS) to be used for the production of certain polyhydric alcohols or to be refined and re-exported in refined form or in sugar-containing products.

5. Taking into account the factors cited in Proclamation No. 6179, and in order to alleviate an unintended hardship which may result to participants in the licensing programs authorized thereby with respect to the time limit for filing certain claims for the refund, as drawback, of customs duties, and in order to correct a technical error that was made in incorporating such tariff modifications in the HTS, I find it appropriate to modify further the provisions of the HTS modified by Proclamation No. 6179.

6. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), requires the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions taken thereunder, including the removal, modification, continuance, or imposition of any import restriction.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to the provisions of section 103B of the 1949 Act, as added by section 501 of the 1990 Act, additional U.S. note 2 to chapter 17 of the HTS, and section 604 of the Trade Act of 1974, do hereby proclaim:

(1) In order to establish special import quota programs pursuant to the provisions of subsections (a)(5)(F) and (n) of section 103B of the 1949 Act, as amended, subchapter III of chapter 99 of the HTS is hereby modified by adding U.S. note 6 as provided for in Annex I to this proclamation.

(2) The Secretary of Agriculture and the Secretary of the Treasury may promulgate such regulations as are necessary or appropriate to carry out the special import quota programs established by paragraph (1).

(3) Subheadings 9903.52.00 through 9903.52.20 are inserted in subchapter III of chapter 99 of the HTS, as provided in Annex I to this proclamation, and shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, as of the dates and under the terms set forth in Annex I.

(4) Additional U.S. note 3 to chapter 17 of the HTS and subheading 1701.91 of the HTS are modified as provided in Annex II to this proclamation.

(5) The provisions of this proclamation shall become effective on the day following the date of signature.

(6) Those provisions of proclamation No. 6179 of September 13, 1990, which are inconsistent with the provisions of Annex II of this proclamation are hereby superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of June, in the year of our Lord nineteen hundred and ninety-one, and the Independence of the United States of America the two hundred and fifteenth.

George Bush

[FR Doc. 91-14057
Filed 6-10-91; 10:49 am]
Billing code 3195-01-M

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES WITH RESPECT TO SPECIAL IMPORT QUOTAS FOR UPLAND COTTON

1. The following new U.S. note is inserted in numerical sequence in subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States:

"6. Special limited global import quotas for upland cotton.--The provisions of this note apply beginning August 1, 1991, to imports of upland cotton as provided in subheadings 9903.52.00 through 9903.52.20.

"(a) Special Upland Cotton Import Quota Based on Northern Europe Prices.--

"(i) Whenever the Secretary of Agriculture determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling one and three-thirty-seconds inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under section 103B(a)(5)(E) of the Agricultural Act of 1949, as amended, exceeds the Friday through Thursday average price of the five lowest-priced growths of upland cotton, as quoted for Middling one and three-thirty-seconds inch cotton, delivered C.I.F. Northern Europe (Northern Europe price) by more than 1.25 cents per pound, there shall be in effect, as of the effective date of such announcement, a special limited global import quota equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available. During the period when both a price quotation for cotton for shipment no later than August/September of the current calendar year (current shipment price) and a price quotation for cotton for shipment no earlier than October/November of the current calendar year (forward shipment price) are available for such growths, the current shipment price shall be used. An announcement under this clause shall be known as a Special Cotton Quota Announcement.

"(ii) Application.--The quota shall apply to upland cotton purchased not later than 90 days after the effective date of the Secretary's announcement under clause (i) and entered into the United States not later than 180 days after such date.

"(iii) Overlap.--A special quota period may be established that overlaps any existing quota period if required by clause (i), except that a special quota period may not be established under this paragraph if a special quota period has been established under paragraph (b) of this note.

"(iv) The Secretary of Agriculture shall inform the Secretary of the Treasury of the establishment of any special import quota under this paragraph and shall file a notice of such quota with the Federal Register.

"(b) Special Upland Cotton Import Quota Based on Spot Market Prices.--

"(i) Whenever the Secretary of Agriculture determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in such markets for the preceding 36 months, there shall immediately be in effect a special limited global import quota equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available. An announcement under this clause shall be known as a Special Limited Global Import Quota Announcement.

"(ii) Quantity if prior quota.--If a special quota has been established under this paragraph during the preceding 12 months, the quantity of the quota next established under this paragraph shall be the smaller of 21 days of domestic mill consumption, calculated as set forth in clause (i), or the quantity required to increase the supply to 130 percent of the demand.

"(iii) Definitions.--As used in clause (ii):
(A) Supply.--The term 'supply' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury--
(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the special quota is established; plus
(II) production of the current crop; plus
(III) imports to the latest date available during the marketing year.
(B) Demand.--The term 'demand' means--
(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; plus
(II) the larger of--
(aa) average exports of upland cotton during the preceding 6 marketing years; or
(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the special quota is established.

"(iv) Quota entry period.--When a special quota is established under this paragraph, cotton may be

entered under the quota during the 90-day period beginning on the effective date of the Secretary of Agriculture's announcement of such quota.

"(v) No overlap.--Notwithstanding clauses (i) through (iv), a special quota period may not be established under this paragraph that overlaps an existing quota period established under this paragraph or a special quota period established under paragraph (a) of this note.

"(vi) The Secretary of Agriculture shall inform the Secretary of the Treasury of the establishment of any special import quota under this paragraph and shall file a notice of such quota with the Federal Register.".

2. The following new provisions are inserted in numerical sequence in subchapter III of chapter 99 of the HTS, with the language inserted in the columns entitled "Heading/Subheading", "Article Description", and "Quota Quantity", respectively:

	"Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that the cotton is a variety of Gossypium hirsutum cotton, may be entered in conformity with the terms and conditions in U.S. note 6(b) of this subchapter in such quantities as specified in the determination and announcement by the Secretary of Agriculture in accordance with U.S. note 6(b)(i) during the 90-day period following the effective date of such determination and announcement:	
9903.52.00	Purchased and entered pursuant to the Secretary of Agriculture's Special Limited Global Import Quota Announcement	The quantity specified in such announcement
	Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that the cotton is a variety of Gossypium hirsutum cotton, and a certification by the importer that such cotton was purchased not later than 90 days after the effective date of the Secretary of Agriculture's announcement of the quota, may be entered in conformity with the terms and conditions in U.S. note 6(a) of this subchapter in such quantities as specified in the determination and announcement by the Secretary of Agriculture in accordance with U.S. note 6(a)(i) during the 180-day period following the effective date of such determination and announcement:	
9903.52.01	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 1	The quantity specified in such announcement
9903.52.02	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 2	The quantity specified in such announcement
9903.52.03	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 3	The quantity specified in such announcement

9903.52.04	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 4	The quantity specified in such announcement
9903.52.05	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 5	The quantity specified in such announcement
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9903.52.19	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 19	The quantity specified in such announcement
9903.52.20	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 20	The quantity specified in such announcement".

ANNEX II

FURTHER MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES WITH RESPECT TO THE TARIFF-RATE QUOTA FOR IMPORTED SUGARS, SYRUPS AND MOLASSES

1. The final sentence of paragraph (a)(i) of additional U.S. note 3 to chapter 17 of the HTS is modified to read as follows:

> "Such total amount shall consist of (1) a base quota amount, (2) a quota adjustment amount, and (3) an amount reserved for the importation of specialty sugars as defined by the United States Trade Representative, to be allocated by the United States Trade Representative.".

2. The first sentence of paragraph (b)(iii) of additional U.S. note 3 to chapter 17 of the HTS is modified by striking "paragraph" and inserting "note".

3. The first sentence of paragraph (c)(ii) of additional U.S. note 3 to chapter 17 of the HTS is modified to read as follows:

> "A drawback entry and all documents necessary to complete a drawback claim, including those issued by one Customs officer to another, with respect to the refund of any duties imposed under subheadings 1701.11.03, 1701.12.02, 1701.91.22, 1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12, shall be filed or applied for, as applicable, within 90 days after the date of exportation of the articles on which drawback is claimed, except that any landing certificate required by regulations issued by the United States Customs Service shall be filed within the time limit prescribed therein.".

4. The following new superior text is inserted in chapter 17 of the HTS immediately below subheading 1701.91 in the column entitled "Article Description" (and bracketed matter is included to assist in the understanding of the proclaimed modification):

[1701	Cane . . .:]	
	[Other:]	
[1701.91	Containing . . .:]	
		"Containing added coloring but not containing added flavoring matter:".

5. The article descriptions of subheadings 1701.91.21 and 1701.91.22 of the HTS are each stricken and are reinserted at the level of indentation immediately subordinate to the superior text inserted in the HTS by paragraph (3) above.

Billing code 3195-01-C

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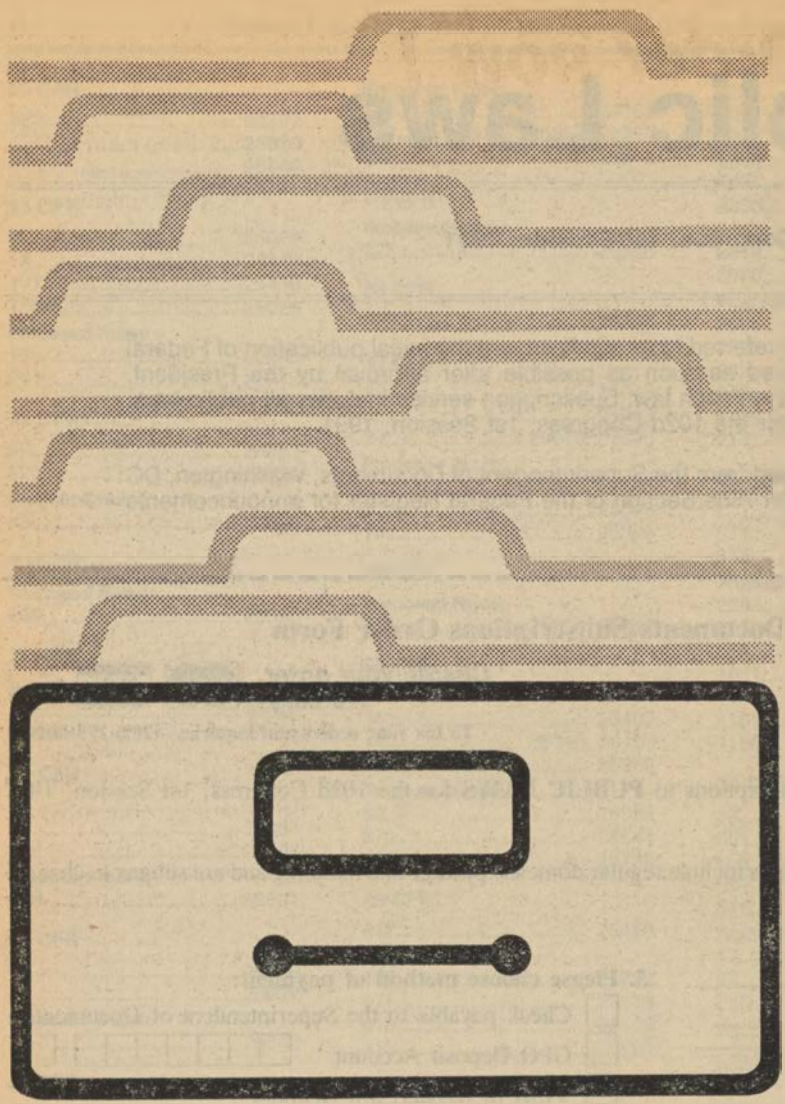

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in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1989
SUPPLEMENT: Revised January 1, 1991

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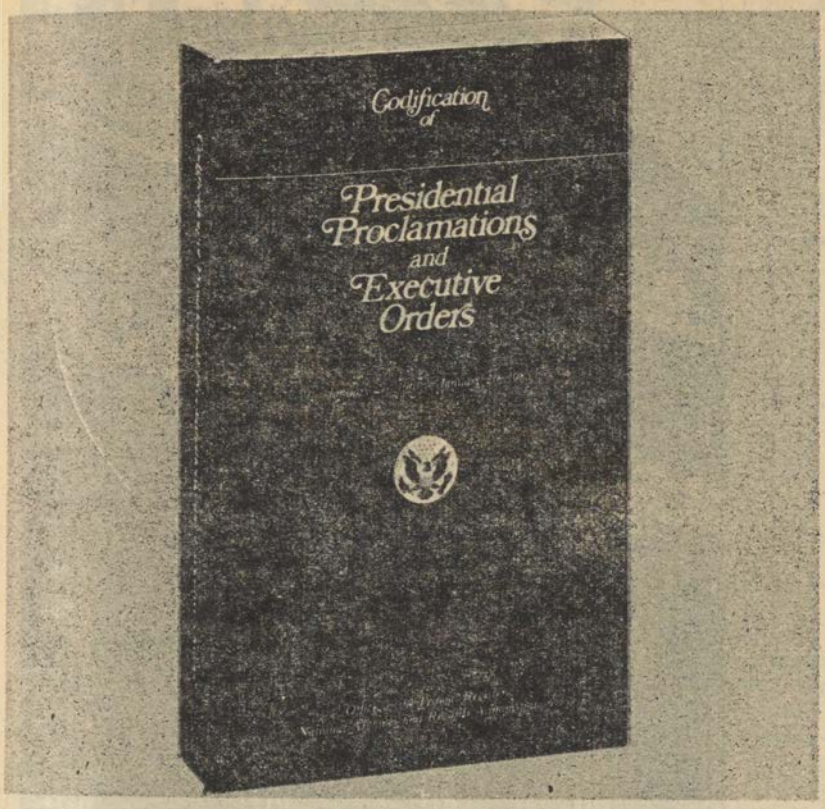

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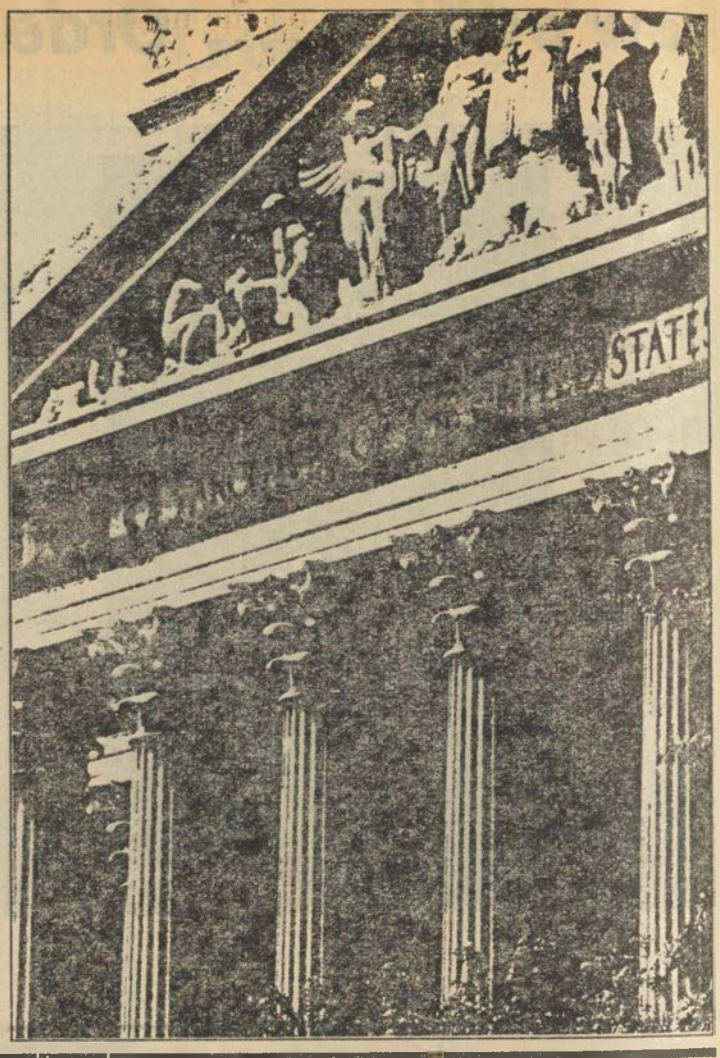

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